

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No. 281 of 2014

In

Civil Writ Jurisdiction Case No. 13671 of 2013

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1. The Bihar State Power (holding) Company Limited through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
 2. The North Bihar Power Distribution Company Ltd. through its managing Director, its Head Office at Vidyut Bhawan, Bailey Road, Patna.
 3. The Electrical Executive Engineer, Purnea, North Bihar Power Distribution Company Limited.
 4. The electrical Executive Engineer, Purnea, North Bihar Power Distribution Company Limited.
 5. The Assistant Electrical Engineer, Purnea North Bihar Power Distribution Company Limited.

.... Petitioners

Versus

Rajesh Ranjan son of Vijay Krishna Kumar, JVR Plaza, Purnea, P.O.+P.S. and District Purnea.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Kirti Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 13-04-2016 Heard Sri Vinay Kirti Singh, learned counsel for petitioners.

The present petition has been filed under Article 226 of the Constitution of India, with a prayer to review of an order dated 25-07-2013 passed in C.W.J.C. No. 13671 of 2013 by Hon'ble Mr. Justice Jayanandan Singh (as he then was). It would be appropriate to quote the order dated 25-07-2013, which is as follows:-

“Learned counsel for the petitioner submits that the Assessing Officer of the respondent-Bihar State Power (Holding) Company Limited had visited the premises of the

petitioner in his absence. Hence he could not be demonstrated that out of 42 shops in the building, only eight were occupied and rest were vacant and still waiting for tenants to take on rent. He submits that out of the eight shops occupied, four are of petitioner and four have been let out to other tenants who have their own independent meter. He submits that in absence of any information to the petitioner, Assessing Officer has assessed the electric load on the basis of 42 shops and has raised the bill of Rs. 26,08,588/-.

Learned counsel for the petitioner offers that the Assessing Officer may hold further inspection and thereafter may decide the same with regard to the connected load of the premises.

Learned counsel for the respondents fairly accepts that, in the facts of the case, this may be the best course.

In the circumstances, this Court directs the Assessing Officer of the respondent-Company to hold inspection of the premises of petitioner with due notice to him and thereafter assess the connected load. If petitioner disputes the same with deposit of 50% of the bill amount, his electric line shall not be disconnected till final orders are passed in the assessment proceeding.

Learned counsel for the petitioner submits that till the Assessing Officer holds fresh inspection of the premises, petitioner is ready to deposit 20% of the bill amount for restoration of his electric line immediately on provisional basis.

Respondents are directed that if petitioner deposits 20% of the bill raised, his electric line shall be restored immediately for the purpose of fresh inspection by the Assessing Officer, as directed above.

This writ application is disposed of with the aforesaid observations and directions.”

It appears that against the order of the writ court, petitioners had preferred an appeal, vide L.P.A. No. 3 of 2014, however; after some argument, learned counsel for appellants

(petitioners in the present case) sought permission to withdraw the appeal, which was allowed and the appeal was disposed of as withdrawn with liberty granted to the appellants to approach this Court with appropriate application/appeal, in future, if so advised. Thereafter, the present review petition was filed.

Learned counsel for petitioners submits that the order under review is contrary to law and as such, it requires interference, whereas, on perusal of the order impugned, it is evident that the writ petition was disposed of with an observation that the Assessing Officer may hold further inspection and decide the matter in respect of dispute of load of the premises of the respondent.

In any event, after perusal of the order, the Court is of the opinion that it would be difficult to review the earlier order passed by the coordinate Bench.

I do not find any ground to pass any favourable order.
The review petition stands dismissed.

(Rakesh Kumar, J.)

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