

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18360 of 2015

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Urbashi Singh wife of Krishna Ballabh Singh Resident of Gayatri Nagar,
Ward no. 7, Behind Gayatri Temple P.S Rosera District Samastipur.

.... Petitioner

Versus

1. North Bihar Power Distribution Company Ltd. Through Its Secretary ,Vidyut Bhawan, Bailey Road, Patna.
2. G.M. cum Chief Engineer, North Bihar Power Distribution Company limited ,Patna.
3. Chief Engineer, North Bihar Power Distribution Company limited, Rosera, District Samastipur.
4. Executive Engineer, North Bihar Power Distribution Company limited, Rosera, District Samastipur.
5. Sub Divisional Officer, North Bihar Power Distribution Company limited, Rosera, District Samastipur.
6. Junior Engineer, North Bihar Power Distribution Company limited, Rosera, District Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr. Anand Kumar Ojha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 04-01-2016 Heard Sri Sunil Kumar Singh, learned counsel for the petitioner and Sri A.K.Ojha, learned counsel, who appears on behalf of respondent/North Bihar Power Distribution Co. Ltd.

The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash bill dated 09-07-2014 and supplementary bill dated 13-10-2015 in relation to domestic electricity consumption.

The petitioner has also made a prayer for directing the respondents to restore the electric connection of her residential house.



Learned counsel for the petitioner submits that the respondents had started issuing inflated bill, thereafter, the petitioner filed objections and also she had produced money receipts. Subsequently, without any notice, enhanced bill to the tune of **Rs. 76686.66** (seventy six thousand six hundred eighty six & paise sixty six) was given on 13-10-2015 and within few days on 27-10-2015, the electricity service was disconnected. It has been argued by learned counsel for the petitioner that without taking any decision on objection filed by the petitioner and also without affording any opportunity of hearing, firstly the bill was given and thereafter, without any reason, electric supply was disconnected, which according to learned counsel for the petitioner, is illegal.

At the very outset, Sri Ojha, learned counsel for the respondents has raised preliminary objection on the point of maintainability of the writ petition. He submits that in view of Section 42 of the Indian Electricity Act, 2003, an alternative remedy has already been created, vide Consumer Grievance Redressal Forum and the petitioner, in respect of dispute which has been raised in the present writ petition, is required to approach the Forum instead of approaching the writ court. He submits that since there is statutory remedy available to the petitioner, the petitioner may not be allowed to invoke the writ jurisdiction.

The Court is in agreement of the submission of learned counsel for the respondents. However, keeping in view the fact that the basic amenities i.e. electric supply has been disconnected, which was for domestic purpose, the Court is of the opinion that the petitioner may be granted liberty to approach the Consumer Grievance Redressal Forum within a period of eight weeks from today and file appropriate petition raising her grievance in respect of alleged punitive bills, after depositing 50% of the bill in question. At the same time, the respondents are required to restore the domestic electric supply to the petitioner, which must be restored within a week from today. The restoration of electric supply will be subject to the result of the petition filed by the petitioner before the Consumer Grievance Redressal Forum. If within eight weeks the petitioner fails to file a petition before the Forum, the respondents shall be at liberty to disconnect the electric supply of the petitioner. After restoration of the electric connection, the petitioner shall be paying bill raised by the respondents regularly in accordance with law.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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