

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1736 of 2015

In
Civil Writ Jurisdiction Case No. 2238 of 2013

=====

Dharmendra Kumar Yadav, S/o Visheshwar Yadav, Resident of Katauriya Road, Near 80 ft Buddha Statute, Bodh Gaya, P.S.- Bodh Gaya, District-Gaya.

.... Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Ltd. through its Chairman -cum- Managing Director, Vidyut Bhawan, Baily Road, Patna namely Praty Amrit.
2. Chandra Shekhar Kumar, the Executive Electrical Engineer, Electric Supply Division, South Bihar Power Distribution Company Limited, Gaya (R)
3. Rakesh Kumar Nirala, the Assistant Executive Electrical Engineer, Electric Supply Division, South Bihar Power Distribution Company Limited, Gaya (R).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha

For the Respondent/s : Mr. Ashok Kumar Karn, A.C. to
Mr. Anand Kumar Ojha

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 06-04-2016 Heard Mr. Amresh Kumar Sinha, learned counsel appearing for the petitioner and Mr. Ashok Kumar Karn, AC to Mr. Anand Kumar Ojha, learned counsel appearing for the respondents.

This contempt has been filed charging the opposite party of willful disobedience of the judgment and order dated 24.6.2014 passed by this Court in CWJC No. 2238 of 2013, whereby this Court had given liberty to the petitioner to file his



objection and the respondents were directed to dispose of the same in accordance with law. A show cause has been filed enclosing a letter dated 12.3.2016 of the Assistant Electrical Engineer at Annexure-S/1 in which it is stated that the final assessment order on the objection filed by the petitioner was passed on 8.6.2015, a copy of which is enclosed with the letter and is stated to be communicated to the petitioner. The petitioner denies its receiving and there is nothing on record to rebut this denial. In fact there is also no receiving in the records of the opposite party as admitted by the Assistant Electrical Engineer and in these circumstances, a second copy of the order dated 8.6.2015 has again been communicated to the petitioner along with the letter dated 12.3.2016 placed at Annexure-S/1 to the show cause.

In my opinion since the final assessment orders have been passed by the opposite party and stands communicated through letter dated 12.3.2016 and since there is a forum of appeal available to the petitioner under Section 127 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') to question the same, hence the petitioner would be at liberty to exhaust the remedy of appeal so available to him.

That the order has been communicated to the petitioner

only on 12.3.2016, hence, it goes without saying that in the circumstances discussed in the said letter, the limitation for filing the appeal under section 127 of ‘the Act’ would be calculated from the said date i.e. 12.3.2016.

This application in the circumstances discussed stands disposed of.

(Jyoti Saran, J)

deepika/-

U			
---	--	--	--