

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20240 of 2013

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1. The Bihar State Power (Holding) Company Ltd. Through Its Chief Engineer (Commercial) Vidyut Bhawan, Bailey Road, Patna
 2. North Bihar Power Distribution Company Ltd. Patna Through Its Chief Engineer (Commercial), Vidyut Bhawan Bailey Road, Patna

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department Of Food and Civil Supply, Government of Bihar, Patna
3. The Law Secretary, Department of Legal Affairs, Government of Bihar, Patna
4. The Bihar State Consumer Dispute Redressal Commission, Patna
5. Sri Bhisham Singh Son of Late Shiv Narain Singh Resident Of Falpura, P.S. Pachrukhi, District- Siwan
6. Sri Ram Balak Singh Son Of Sri Sakaldeo Singh Resident Of Falpura, P.S. Pachrukhi, District- Siwan
7. Sri Rajendra Singh Son Of Sri Satandeo Singh Resident Of Falpura, P.S. Pachrukhi, District- Siwan
8. Sri Chandrika Singh Son Of Sri Ramdayal Singh Resident Of Falpura, P.S. Pachrukhi, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratan Prasad Sinha, Advocate.

For the Respondent/s : AC to AAG-6.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL JUDGMENT

Date: 28-07-2016

Heard Mr. Ratan Prasad Sinha for the petitioners and AC
to AAG-6 for the State.

The Bihar State Power (Holding) Company Limited as



well as North Bihar Power Distribution Company limited are the petitioners of this writ petition. They seek a direction upon the Bihar State Consumer Dispute Redressal Commission or the District Forum for transfer of the pending cases of disputes arising out of Sections 126 and 127 of the Electricity Act, 2003 as also other disputes arising out of the action taken by the petitioners under Sections 135 to 140 of the Electricity Act, 2003. Such claim is founded on a judgment of the Hon'ble Apex Court a copy whereof is enclosed as Annexure-1. The petitioners have placed reliance in this regard on the observations made by the Apex Court in paragraph nos. 46 and 47 of the said judgment. However, the petitioners are unable to demonstrate that any such provision exists under the Consumer Protection Act, 1986. A list of those cases which is pending before the different Consumer Courts, including the State Consumer Disputes Redressal Commission has also not been enclosed.

Learned counsel for the State, on the other hand, points out that in the light of the order of the Hon'ble Supreme Court an objection is to be filed with regard to the maintainability of those applications/complaints before the District Forum or the State Commission. If any such application is filed, the same shall be considered by the Forum/Commission in the light of the order passed by the Hon'ble Apex Court (Annexure-1).

Having appreciated the contention, Mr. Sinha counsel for the petitioner states that four cases cited in the writ application have been decided contrary to the judgment of the Hon'ble Apex Court. He, therefore, seeks permission of the Court to file appeal thereagainst before the appellate forum/authority after seeking condonation of delay owing to pendency of the present writ application in this Court since October, 2013.

Having considered the submissions of the parties, I am inclined to dispose of the writ application permitting the petitioners to assail the orders passed by the diverse District Forums copies whereof are enclosed as Annexures 5,8,11 and 13 in complaint case nos. 250/2012,258/2012, 260/2012 and 261/2012 respectively before the appellate authority /forum after seeking condonation of delay.

I order accordingly.

(Kishore Kumar Mandal, J)

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