

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12380 of 2015

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1. Anjani Kumar, son of Late Bhubneshwar Prasad Srivastava, Shop No.1 (101), 1st Floor, Jyoti Tower, New Dak Bungalow Road, P.O. G.P.O., P.S. Gandhi Maidan, Town & District Patna.
 2. Smt. Shweta Sinha @ Shweta Kumari, wife of Anjani Kumar, Shop No.1 (101), 1st Floor, Jyoti Tower, New Dak Bungalow Road, P.O. G.P.O., P.S. Gandhi Maidan, Town & District Patna. Both residents of House of Shyama Sadan, Opposite St. Karens School, Punaichak, P.O. G.P.O., P.S. Sachiwalaya, District Patna.
 3. Alok Kumar Singh, son of Shri Pem Chandra Singh, Shop No.1 (102), 1st Floor, Jyoti Tower, New Dak Bungalow Road, P.O. G.P.O., P.S. Gandhi Maidan, Town & District Patna. resident of Flat No. 102, 'B' Block, Ganesh Vihar Apartment, Nehru Nagar, Patna- 800013.

.... Petitioners

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Chairman-cum-Managing Director.
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
3. The Electrical Executive Engineer, Electric Supply Division, Dak Bungalow, Buddha Marg, Patna.
4. The Assistant Electrical Engineer (Revenue), Electric Supply Division, Dak Bungalow, Buddha Marg, Patna-800001.
5. The Assistant Electrical Engineer, Electric Supply Sub Division, Maurya Lok, Patna-800001.
6. The Assistant Electrical Engineer, Electric Supply Division, Kadam Kuan, Patna-800004.
7. The Junior Electrical Engineer, Electric Supply Section, Exhibition Road, Patna-800001.
8. Anjani Kumar Saxena, son of Late Gaya Prasad Saxena, Jyoti Tower, New Dak Bungalow Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 30-03-2016

Heard learned counsel for the petitioners and the State.

The petitioners have moved before this Court for



quashing the letter no. 281, dated 21.07.2015 issued by the respondent no. 6, whereby the petitioner no. 1 has been directed to produce the certified copy of the document with regard to transfer of possession, failing which the electric supply granted in his favour would be disconnected. A prayer has also been made for quashing the letter no. 282, dated 21.07.2015 issued by respondent no. 6, whereby the petitioner no. 3 has been directed to produce the certified copy of the document with regard to transfer of possession.

The case of the parties was heard on different dates. It appears that respondent no. 8 appeared suo motu and filed his counter affidavit, from perusal of which it would appear that he entered into a development agreement with one M/s. Jyoti Developers, Patna for development of the land at Ward No. 2, Circle No. 6, Holding Nos. 385, 386 and 387 on 09.09.1995 in the township of Patna. The electric meter is in the name of respondent no. 8 and on the basis of energy load of different tenants, the respondent no. 8 used to realize the amount from them. From the inspection of the premises, the Power Holding Company discovered theft of electricity in one of its inspection on 24.12.2012, wherein a loss of Rs.22,729/- was alleged and the outstanding amount liable to be paid was Rs.2,74,115/- The respondent no. 8 deposited the entire amount to avoid complications, though according to him it was the liability of the petitioner No.

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This Court vide order dated 16.10.2015 directed to grant temporary electric connection on deposit of a sum of Rs.50,000/- which could be subject to the result of this writ application.

A supplementary affidavit has been filed on behalf of the petitioners stating that the sale deed has finally been registered in their favour.

Counsel for the respondents submits that the sale deed has been executed in a deceitful manner in order to legalize their title.

Having regard to the nature of dispute, this writ application is disposed of with liberty to the Power Holding Company to enquire into the relevant aspects of the matter including liability to pay the sum of Rs.2,74,115/- and genuineness of the sale deed.

It will also be open for the Power Holding Company to insist on furnishing requisite documents, required for granting permanent connection.

(Samarendra Pratap Singh, J)

Vats/-

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