

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.241 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 14009 of 2012

- =====
1. The Bihar State Electricity Board through its Chairman, now South Bihar Power Distribution Company Ltd., through its Managing Director, Vidyut Bhawan, Bailey Road, Patna
 2. The Financial Control (Rev) Bihar State Electricity Board, Department of Revenue, Bailey Road, Patna.
 3. The Assessing Officer-cum- Electrical Executive Engineer, Electrical Supply Centre, Rajendra Nagar, Patna.
 4. The Assistant Electrical Engineer, Electric Supply Centre (Sub-Division), Rajendra Nagar, Patna.
 5. The Assistant Electrical Engineer, M.R.T. PESU (E) Patna.

.... Appellants

Versus

Mithilesh Kumar, Son of Sri Kaleshwar Prasad Singh, Resident of Arya Kumar Road, Rajendra Nagar, P.S Kadam Kuan, District Patna, Consumer No. 381827

.... Respondent

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Appearance:

For the Appellant/s : Mr. Vinay Kirti Singh, Sr. Advocate.
Mr. Vijay Kumar Verma, Advocate.
Mr. Akhileshwar Singh, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-12-2016

Re.: I.A. No. 935 of 2016

This application is for condonation of delay of 37 days



in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 241 of 2016

The order dated 10th of August, 2015 is the subject matter of challenge in the present Letters Patent Appeal wherein, the writ applicant, respondent herein, was relegated to avail the remedy of appeal under Section 126 of the Electricity Act.

2. The grievance of the appellants is that the writ applicant has been relegated to avail the remedy of appeal after the expiry of the limitation period and also that the direction to the appellate authority to consider the refund of 50% of the punitive bill does not fall within the scope of powers conferred upon the appellate authority.

3. We do not find that any ground is made out to entertain the present Letters Patent Appeal. It would be open to the appellants to raise all the pleas which are permissible and available to it in accordance with law before the appellate authority at the time of



decision of the appellate authority, including that it had no power to order refund but that it the remedy of appeal cannot be ignored. It has to be availed by the writ applicant in accordance with law.

4. With the said direction and liberty, the present Letters Patent Appeal is disposed of.

(Hemant Gupta, ACJ)

(Arvind Srivastava, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.12.2016
Transmission Date	

