

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9216 of 2016

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M/s S C I India Limited, D. N. Singh Road, Bhagalpur, through its Manager Sri
Nagendra Singh, son of Late Saldeo Singh, resident of Village- Fatehpur, P.S.-
Didarganj, Town & District- Patna.

.... Petitioner.

Versus

1. The Bihar State Power (Holding) Company Limited, through its Chairman cum
Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman cum Managing Director, Bihar State Power (Holding) Company
Limited Vidyut Bhawan, Bailey Road, Patna.
3. The South Bihar Power Distribution Company Limited, through its Managing
Director, Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, South Bihar Power Distribution Company Limited
Vidyut Bhawan, Bailey Road, Patna.
5. The Chief Engineer (Commercial), South Bihar Power Distribution Company
Limited, Vidyut Bhawan, Bailey Road, Patna.
6. The Electrical Superintending Engineer, Electric Supply Circle, Bhagalpur.
7. M/s Bhagalpur Electricity Distribution Company Private Limited, D. N. Singh
Road, Kharman Chak, Bhagalpur, through its Chief Executive Officer.
8. The Chief Executive Officer, M/s Bhagalpur Electricity Distribution Company
Private Limited, D. N. Singh Road, Kharman Chak, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 09-06-2016

Heard learned counsel for the petitioner and the
respondents.

2. The petitioner seeks disconnection of electric supply
line of Excise Country Liquor Warehouse situated in Mohalla-
Kharmanchak, Bhagalpur having consumer ID No. 101000048307,
category LTIS, Industrial LT type and correction of electricity bills.

3. The petitioner is Manager of M/s SCI India Limited, a



Company registered under Indian Companies Act. It was granted exclusive privilege to manufacture and supply of country liquor to Bihar State Beverage Corporation, by letter, dated 04.03.2014 of Department of Excise and Prohibition, Government of Bihar for a period from 01.04.2014 to 31.03.2019. The unit was running in Excise Country Liquor Warehouse, Charmanchak, Bhagalpur, which belongs to the Government of Bihar. As for the purpose of manufacturing and bottling country liquor, petitioner applied for LTIS connection for a connected load of 20 HP, which was subsequently enhanced to 65 HP. The petitioner manufactured and bottled country liquor up to 13.02.2015 to 31.03.2015. The petitioner's license expired on 31.03.2015. His renewal application for the period 01.04.2015 to 31.03.2015 remained pending.

4. It is the petitioner's case that as his license was not renewed, he did not consume electricity from 01.04.2015. However, the respondents went on raising bill.

5. The petitioner seeks direction to the respondents to disconnect electric connection.

6. The petitioner submits that on consideration of his representation, the Chief Engineer (Commercial) South Bihar Power Distribution Company Limited (hereinafter referred to as 'the Company') instructed the Chief Executive Officer, Bhagalpur



Electricity Distribution Company Private Limited to disconnect the electric supply line of Excise Warehouse of the petitioner situated at Mohalla Kharmanchak, Bhagalpur. Copy of the same was also forwarded to Electrical Superintending Engineer, Electric Supply Division, Bhagalpur vide Memo dated 24.05.2016. Furthermore, the Secretary of Excise Commissioner, Bihar, Patna vide Memo dated 31.05.2016 also requested the Managing Director of the Company to take immediate step for disconnection of electric supply line of Excise Warehouse of the petitioner.

7. Mr. Vinay Kirti Singh, learned counsel appearing for the Company, submits that the petitioner ought to have sought for termination of agreement in terms of Clause 7.6 of the Bihar Electric Supply Code, 2007 with the Company, and only thereafter should have applied for disconnection.

8. In reply, the petitioner submits that temporary disconnection ought to have been ordered under Clause 7.4 of the Bihar Electric Supply Code, whereafter steps could have been taken under Clause 7.6 of the Code.

9. Having regard to the facts and circumstances of the case, the writ application is disposed of with the following observations:

(i) The petitioner would file a representation before

respondent nos.7 and 8 within a period of two weeks from today for redressal of his grievance.

(ii) Respondent nos. 7 and 8 would take immediate steps on the representation of the petitioner in accordance with law within a period of two weeks also taking into consideration the letter, dated 24.05.2016 (Annexure-7) issued under the signature of Chief Engineer (Commercial) of the Company.

10. The writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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