

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4975 of 2016

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M/s Virat Tech Impex Private Limited through Niraj Kumar, S/o Rana Upendra Kumar Singh, At Rukanpura, P.S. Salimpur, District- Patna.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, through its Chairman, Vidyut Bhawan, Baliey Road, Patna.
2. The South Bihar, Power Distribution Company Ltd.
3. The Chief Electrical Engineer, Electricity Supply Division, Barh.
4. The Electrical Executive Engineer Electricity Supply Division, Barh.
5. The Assistant Electrical Engineer-cum- Assessing Authority, Electricity Supply Sub Division, Bakhtiyarpur.
6. The Junior Electrical Engineer Electric Supply Section (R) Bakhtiyarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
Mr. Mrityunjay Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-09-2016 Heard Mr. Ashok Kumar Mishra, learned counsel appearing for the petitioner and Mr. Vinay Kirti Singh, learned counsel appearing for the respondent Electrical Company.

The limited prayer made in this writ petition is for an appropriate direction to the respondents to grant electric connection to the petitioner for which he has filed an application and also complied with the legal formalities.

The prayer made by the petitioner appears rather reasonable but the impediment which reflects from the writ petition is, that in between a criminal case was instituted against the petitioner arising from Salimpur P.S. Case No.05 of 2016 registered for the offence punishable under section 135 of the Electricity Act, 2003, inter alia, on allegation that even before the petitioner would be provided with an electricity connection, he started drawing electricity

in an authorised manner from the transformer. The matter is pending consideration before the criminal court and during which an assessment has been made quantifying the loss at Rs.2,62,744/- which figure is reflected from the order granting bail to the petitioner by the Special Court below dated 12.05.2016, a copy of which is placed at Annexure-9 to I.A. No.4711 of 2016. The order granting bail also casts obligation on the petitioner to deposit the same within three months in equal monthly instalment of Rs.65,686/- and of which though the petitioner had deposited the first instalment but the rest instalments are still awaited.

Although Mr. Mishra refers to a second order passed by the Special Court below directing the respondent Company to consider the prayer of the petitioner accordingly but in the circumstances discussed and in the nature of the order granting bail to the petitioner present at Annexure-9 the petitioner is under an obligation to deposit the remaining instalments and the writ petition is disposed of with a direction to the concerned authorities of the respondent Electricity Company to provide the petitioner with an electricity connection no sooner the petitioner deposits the two balance instalments of Rs.65,686/- each and within 48 hours thereafter.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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