

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.980 of 2015

- =====
1. The Bihar State Electricity Board now South Bihar Power Distribution Company Ltd. Through its Chairman-cum-Managing Director
 2. The General Manager-cum-Chief Engineer, Magadh Supply Area, Gaya
 3. The Electrical Superintending Electric Supply Circle, Gaya
 4. The Electrical Executive Engineer, Electric Supply Division Gaya (Rural)
 5. The Assistant Electrical Engineer, Electric Supply Sub-Division, Bodh Gaya (Rural)

.... Petitioner/s

Versus

1. M/s Prakash Roller Flower Mills Pvt. Ltd. Through its Director, Sri Raman Prakash, S/o Late Satya Narayan Prasad Sarogi, resident of 6, Krishna Prakash Road, Gaya, District-Gaya

.... Respondent 1st Party

2. The State of Bihar through Energy Secretary, Govt. of Bihar, Patna
3. The Member Consumer Grievance Redressal Forum, South Bihar Power Distribution Company Limited Bidyut Bhawan-II, Patna

.... Respondents

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Appearance:

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

For the Respondent/s : Mr. Raj Kishore Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-09-2016

Heard Mr. Vinay Kirti Singh for the writ petitioner and Mr. Raj Kishore Prasad appearing for the private respondent as well as counsel for the State.

The writ petitioner herein is the successor in the office of the Bihar State Electricity Board i.e. the South Bihar Power Distribution Company and who is aggrieved by a part of the order passed by the Consumer Grievance Redressal Forum (hereinafter



referred to as the 'CGRF') constituted under Section 42(5) of the Electricity Act, 2003 in Case No. 47 of 2007 whereby the petitioners have been cautioned that on their failure to dispose of the claim raised by the private respondent under Clause 13 of the HT Agreement within a month of the passing of the order impugned dated 22.9.2014 that the CGRF shall proceed in the matter under Regulation 8(5) of the Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as the 'Regulation 2006') as amended from time to time which *inter alia* vests jurisdiction in the CGRF to proceed *ex parte* in the matter on the failure of either of the parties to cooperate in the disposal. According to Mr. Vinay Kirti Singh, learned counsel for the petitioner, such order issued by the CGRF is in excess of jurisdiction conferred on the CGRF since the jurisdiction to dispose of a claim raised under clause 13 of the HT Agreement, vests exclusively in the Chief Engineer (Commercial) of the petitioner company and who is in seisin of the matter.

Mr. Raj Kishore Prasad, learned counsel appearing for the respondent no. 1 submits that although the claim of the respondent no. 1 for other period has been disposed of but the claim raised for the period 1999-2000; 2000-2001 and 2001-2002 yet requires to be disposed of by the Chief Engineer (Commercial) and which has

prompted the CGRF to pass such orders.

I have heard learned counsel for the parties and I have perused the records. A claim put forth by the respondent no. 1 under clause 13 of the HT Agreement requires a disposal and cannot be allowed to remain pending endlessly before the Chief Engineer (Commercial). The pleadings on record would reflect that despite a direction by this Court vide order passed in CWJC No. 5321 of 2006 preferred by the respondent no. 1 to the respondent Chief Engineer (Commercial) to examine the claim and to dispose it of but the same has remained pending. Perhaps it is in such circumstance and in view of the jurisdiction conferred upon CGRF under clause 2(f)(i) that the order impugned has been passed by the CGRF which has aggrieved the petitioner company but then as I have observed a claim raised under clause 13 of the HT Agreement cannot be allowed to remain pending endlessly and requires a disposal.

Mr. Vinay Kirti Singh learned counsel for the petitioner company has informed that the Chief Engineer (Commercial) would dispose of the pending claims of the respondent no. 1 raised under clause 13 of the HT Agreement within a maximum period of three months from today. The submission made by Mr. Vinay Kirti Singh satisfies Mr. Raj Kishore Prasad and the order of the CGRF impugned in the writ petition stands accordingly modified to that extent but with

a direction to the Chief Engineer (Commercial) to dispose of the claim of the respondent no. 1 within the period of three months from the date of receipt / production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

S.Sb/-

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