

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19986 of 2016

=====

M/s I T D C Ltd. through its General Manager, Nitin Diwan, Hotal
Patliputra Ashok, Gardiner Road, P.S.-Kotwali. District-patna

.... Petitioner

Versus

1. The South Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Chief Engineer (E-Commercial) HT Cell, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna
3. The Electrical Executive Engineer, HT Cell, South Bihar Power Distribution company Ltd. Vidyut Bhawan, Bailey Road, Patna
4. The Executive Engineer, Electric Supply Division, Nutan Rajdhani Anchal, PESU, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, Sr.Adv.
Mr. Vijay Kumar Verma, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-12-2016 Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 2.12.2016 issued under the signature of respondent no.3, the Electrical Executive Engineer, HT Cell, South Bihar Power Distribution Company Ltd., whereby notice of disconnection in purported exercise of power vested under section 56 of the Electricity Act, 2003 has been served on the petitioner, a copy of which is impugned at Annexure 1 to the writ petition.

The petitioner is charged with having outstanding dues towards transformer rent amounting to Rs.9,15,737.00 stated to be for the transformer used for the period May, 2014 to June, 2016.



Now while it is the contention of the petitioner, which is a Govt. of India Corporation, that he is not liable to pay transformer rent for the period in question but this stand is being contested by the respondents towards liability so imposed.

Be that as it may, in view of the statutory provisions underlying Section 42(5) of the Electricity Act, 2003 it would be appropriate for the petitioner to raise his grievance before the Forum so constituted but for the present and considering the reasons assigned in the order, this Court is not persuaded to interfere with the same.

Let the petitioner avail the remedy so available to him in law and which should be filed within four weeks from today. It goes without saying that any such application being filed by the petitioner would be considered and disposed of in accordance with law by the Forum after opportunity of hearing to the parties.

Let the petitioner deposit 50% of the dues within a fortnight from today and no sooner such deposit is made that the disconnection notice shall be kept in abeyance, to be enforced as per the outcome of the matter before the Forum. In case the petitioner fails to approach the Forum within four weeks from today or to make the deposit aforementioned within a fortnight from today, the interim relief so granted to the petitioner shall



stand recalled.

The balance amount of dues would be subject to final outcome of the proceeding before the Forum.

With the aforementioned observation and direction, this application is disposed of.

(Jyoti Saran, J)

Surendra/-

U			
---	--	--	--

