

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2823 of 2014

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M/S Sonali Autos Ltd. Through its Director Bidhan Chand Roy, Son of Late Daroga Prasad Rai Resident of Mohalla Dangi Complex (Vishnupuri), N.H. 30, Anishabad, District- Patna

.... Petitioner

Versus

1. Bihar State Electricity Board, through its Chairman, Vidhyut Bhawan, Baily Road, Patna
2. The Chairman, Bihar State Electricity Board, Vidhyut Bhawan, Bailey Road, Patna
3. The Electrical Superintending Engineer, (P.E.S.U.) (West) Circle Mangles Road, Patna
4. The Electrical Executive Engineer, Electric Supply Division, Gardanibagh (P.E.S.U.), Patna
5. The Assistant Engineer, H.T. Building, Bihar State Electricity Board, (P.E.S.U.) (West) Circle, Gardanibagh Division, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha

For the Respondent/s : Mr. Anand Kr. Ojha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 16-02-2016 Heard Smt. Sudha Ambastha, learned counsel for the petitioner and Sri Anand Kumar Ojha, learned counsel, who has appeared on behalf of respondent/Bihar State Electricity Board.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an order dated 01-07-2013 passed by the Electrical Superintending Engineer, P.E.S.U. (West) Circle, Patna, whereby the Superintending Engineer has passed the order justifying the punitive bill.



Earlier also, the petitioner had approached this Court by filing a writ petition, vide C.W.J.C. No. 911 of 2012, whereby the petitioner had challenged the provisional energy bill. The dispute was that though the petitioner was having load of 50 KV, on surprise inspection, it was found that the petitioner was using load of 174 K.V., which was under the H.T. category and as such, punitive bill was raised. The said writ petition was disposed of directing the Superintending Engineer, Patna Electric Supply Undertaking to indicate reasons on the basis of which, such bill amount was directed to be paid by the petitioner. In compliance with the order of this Court, the impugned order i.e. **Annexure – 23** to the writ petition was passed by the Electrical Superintending Engineer.

Learned counsel for the petitioner tried to persuade the Court that order has incorrectly been passed, which is required to be interfered with, whereas Sri Ojha, learned counsel for the respondent referring to the impugned order submits that after the order passed by the writ court in C.W.J.C. No. 911 of 2012, full opportunity was provided to the petitioner and on number of dates, hearing had taken place. Even on behalf of the petitioner, learned counsel had appeared and after hearing and considering the fact that the petitioner was found using 174 K.V. load, though

sanctioned load was only 50 K.V., the Superintending Engineer by a detailed reasoned order had disallowed the claim of the petitioner. According to him, there is no error in the impugned order.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. On going through the record, it is evident that the petitioner was having sanctioned load of 50 K.V. under NDS-II category, however; while inspection was done by S.T.F.(Special Task Force) in the year, 2009, it was found that the petitioner was utilizing the load of 174 K.V. and as such, it was 124 K.V. excess. Accordingly, the bill was raised and finally, after agreement being signed in between the parties, the new meter was installed on contract demand of 175 K.V.A. under HTS-1 tariff category.

I do not find any defect in the impugned order.

Accordingly, the writ petition stands dismissed.

(Rakesh Kumar, J.)

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