

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12572 of 2016

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M/s Ranjit Buildcom Ltd. Through its Managing Director Patel Mahesh Kumar Navratan son of Navratan Das resident of Ranjit House, Opposite- Sun Residency, B/H Bhagwait Bunglows, Rt. Side Road to Goga Maharaj Mandir, Thaltej Shilaj Road, Thaltej, Ahmedabad having its Bihar office at Near St. Karen's Secondary School Khagaul Road, Mustafapur, P.S. Danapur, District- Patna.

.... Petitioner/s

Versus

1. South Bihar Power Distribution Co. Ltd. Through its Managing Director, Vidyut Bhawan Bailey Road, Patna.
2. The Managing Director, South Bihar Power Distribution Co. Ltd. Vidyut Bhawan Bailey Road, Patna.
3. The Chief Engineer (Commercial), South Bihar Power Distribution Co. Ltd. Vidyut Bhawan Bailey Road, Patna.
4. The Executive Engineer (Electrical), H.T. Cell, South Bihar Power Distribution Co. Ltd.
5. The Executive Engineer (Electrical), New Capital Division, PESU, Patna.
6. The Electrical Sub - divisional Officer, H.T. Cell, South Bihar Power Distribution Co. Ltd., Patna.
7. The Electrical Junior Engineer, H.T. Cell, South Bihar Power Distribution Co. Ltd., Patna.
8. The Revenue Officer, Electric Supply Division, Danapur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kumar, Adv.

For the SBPDCL : Mr. Kumar Priya Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-03-2017

Heard learned counsel for the parties.

In the present case, the petitioner is challenging the supplementary electric bill of Rs.31,49,838/- which has been served upon the petitioner after settlement of the previous electric bill.

The petitioner is a company engaged in the contract work, was allotted contract work for construction of fly over in between



Jagdeo Path to Shekhpura More, Bailey Road having length of 2350 Meter (2X7.5M carriage way without foot path) 350 Meter approach road with retaining wall/R.E. wall and 2X2625 M Service Road. The Government of Bihar issued an advertisement for appointment of Contractor for construction of the fly over as mentioned hereinabove. The petitioner participated and, according to the terms, he deposited the earnest money amounting Rs. 98,562/-. For execution of the work, the petitioner entered into the agreement for the commercial power supply. As per claim of the petitioner whenever and whatever the amount comes, he liquidated all the outstanding dues of the electric bill and, after completion of the work, he has paid all the amount and subsequently an extra bill has been served upon him of Rs. 31,49,838/- on the ground that while making calculation, wrong factor was taken as correct factor it was MF 0.5 which was to be taken into consideration but, in its place MF 0.2 factor was taken into consideration.

In the counter affidavit, the South Bihar Power Distribution Company has accepted that the payment has been made, later on the after verification it was found that the bill was raised taking into consideration the wrong multiplying factor of MF 0.2 where the multiplying factor should have been MF 0.5 and, on that account, when the correction has been made, the electric bill has enhanced as a



result of which the petitioner has been served the supplementary bill of Rs. 31,49,838/-.

Learned counsel for the South Bihar Power Distribution Company submits that it was an arithmetic mistake, that has only been rectified and whatever amount has come out that has been placed on demand by way of supplementary bill.

Learned counsel for the petitioner submits that so far the petitioner is concerned, he has paid all the amounts whatever the bill has been served upon him and has wrongly chosen MF 0.5 multiplying factor whereas earlier calculation was correct and there was no error in the calculation.

These are the question of calculation and correction of the bill, the same can only be looked into by the proper authority created under Section 42(5) of the Electricity Act, 2003 i.e. the Consumer Grievance Redressal Forum created by the Regulatory Commission constituted under the Electricity Act. In such circumstances, when the petitioner has an alternative remedy, he may file a proper application before the Consumer Grievance Redressal Forum within a period of four weeks from today. If such an application is filed by the petitioner within the aforesaid period of four weeks from today, no coercive action shall be taken against the petitioner but, in failure to do so, the interim relief, which has been granted by this Court, will be treated to



have been withdrawn and the South Bihar Power Distribution Company will be at liberty to take action against the petitioner in accordance with law.

It is again made clear that if any such application along with interim application is filed, till the disposal of the interim application, the Power Distribution Company will not take any coercive action against the petitioner.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2017
Transmission Date	

