

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14446 of 2016

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Niranjan Mandal, son of Late Mahesh Mandal, resident of Village-Singhnam, P.S.- Rajoun, District- Banka.

.... Petitioner

Versus

1. The South Bihar Power Distribution Co. Ltd. Aliganj, Bhagalpur, Rural through its Managing Director, Bailey Road, Patna.
2. The Executive Electrical Engineer, Sub-Division Banka, District- Banka.
3. The Assistant Electrical Engineer, Sub-Division Banka, District- Banka.
4. The Junior Electrical Engineer, Sub-Division Banka, District- Banka.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. Kumar Priya Ranjan
Mr. Mritunjay Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-01-2017 Heard Mr. Vijay Anand, learned counsel for the petitioner and Mr. Kumar Priya Ranjan, learned counsel for the respondents.

The writ petitioner has sought for a direction to the respondents to restore the electric connection which has been disconnected.

Following alleged detection of drawing electricity by unauthorized means that an F.I.R. is instituted against the petitioner present at Annexure 2 quantifying the loss caused at Rs. 1,67,233/-. The F.I.R. takes notice that the line of the petitioner was disconnected for non-payment of dues of Rs. 1,16,268/-. It is not in dispute that the loss sustained by the Board as quantified at



Rs. 1,67,233/-, has not been deposited. The petitioner though has deposited the energy charges to the tune of Rs. 1,16,268/-.

In the nature of the dispute arising herein and since the criminal case remains pending against the petitioner, should the petitioner deposit the loss amount with the respondents that his electricity connection should be restored.

Mr. Vijay Anand, learned counsel for the petitioner submits that the loss amount may be permitted to be deposited in installment(s), since the establishment is closed.

Having heard learned counsel for the parties and considering that the petitioner has admittedly deposited the arrears dues on electricity, I deem it proper to allow the petitioner to deposit the amount of Rs. 1,67,233/- stated to be the alleged loss caused by the petitioner by drawing electricity by using unauthorized means, in installments, in the following manner:

(a) 30% of the loss amount i.e. Rs. 51,000/- by end of January, 2017 and whereupon the electricity connection should be restored by the authority concerned within 48 hours of production of such receipt.

(b) The balance amount i.e. Rs. 1,16,233/- should be deposited in 6 (six) equal monthly installments of



Rs. 20,000/- by the 7th of each month beginning March, 2017, with the last installments being Rs. 16,233/-.

© The petitioner shall make timely payment of the current charges in addition to the instalment and any default therein shall entitle the respondents to take appropriate action for disconnection of his connection.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

A.I./-

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