IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17358 of 2016

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1. M/s Raj Rest House at Bijaynagar, Banka, P.O. & P.S.- Banka in the town and District of Banka, through its Proprietor Jagdish Prasad Sah
2. Jagdish Prasad Sah son of Late Hari Prasad Sah Proprietor of M/s Raj Rest House at Bijaynagar, Banka, P.O. & P.S.- Banka in the town and District of Banka.

.... Petitioners

Versus

1. The South Bihar Power Distribution Company Ltd. through its Chairman, at Patna.
2. The Chairman, South Bihar Power Distribution Company Ltd. at Patna.
3. The Managing Director, South Bihar Power Distribution Company Ltd. at Patna.
4. The Director (Finance) South Bihar Power Distribution Company Ltd at Patna.
5. The Accounts Officer, South Bihar Power Distribution Company Ltd. at Patna.
6. The Assistant Electrical Engineer, Banka.
7. The Junior Electrical Engineer, Banka.

.... Respondents

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Appearance :
For the Petitioners : Mr. Diwakar Upadhyaya
For the Respondents : Mr. Anand Kumar Ojha, SC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-01-2017

Heard Mr. Diwakar Upadhyaya, learned counsel for the petitioners and Mr. Anand Kumar Ojha, learned counsel for the respondents.

The petitioner while questioning the electricity bill as contained in Annexure-6 also prays for reconnection of the electric connection which according to Mr. Diwakar Upadhyaya, learned counsel for the petitioners, stands disconnected since January, 2016. Learned counsel for the petitioner while disputing the correctness of

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the bill submits that in so far as the dispute on bill is concerned, the petitioner would be taking recourse to the remedy as available to him under Section 42 (5) of the Electricity Act, 2003 by filing an application before the Consumer Grievance Redressal Forum.

Learned counsel for the petitioners prays for interim relief in so far as the electricity connection is concerned. He submits that the total bill, as stands in Annexure-6, is to the tune of Rs. 56005.00, of which the petitioners have already deposited a sum of Rs. 10,000/- vide receipt no. BKA561020316E0033 dated 2.3.2016 together with R.C./D.C. charge of Rs. 400/- as contained in Annexure-5 series which leaves a balance of Rs. 46,000/- and odd. He submits that the petitioners would be depositing Rs. 26,000/- without any delay and the balance amount in equal monthly installment of Rs. 10,000/- in the subsequent months. He submits that the payment so made would be subject to the adjudication on the matter by the Forum.

Mr. Jha, learned counsel for the respondents submits that the bill at Annexure-6 is for the month of June, 2016 and the figure may have increased thereafter. According to Mr. Ojha, whatever be the balance amount, should be paid by the petitioners after adjusting Rs. 10,000/- already deposited, as per their undertaking.

Having heard learned counsel for the parties, I, deem it fit and proper to dispose of this writ petition by directing the petitioners

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to make payment of outstanding dues in the following manner:-

(a) The petitioner would deposit a sum of Rs. 26,000/- against the electricity bill by the end of this month and no sooner this amount is deposited, the electric connection of the petitioner should be restored within 48 (forty-eight) hours thereafter.

(b) The balance amount outstanding as of today should be informed by the Executive Engineer, South Bihar Power Distribution Company Ltd. at Banka to the petitioner after adjusting Rs. 26,000/- deposited by him and which should be deposited by the petitioner in equal monthly installment of Rs. 10,000/- each, by first week of each month beginning March, 2017.

(c) The petitioner would continue to pay current charges in each month, in addition to the equal monthly installment.

(d) Any default by the petitioner in not making payment of the installment in two consecutive months and/or in not making payment of current charge each month would result in disconnection of their electric connection.

(e) In so far as the disputed bill is concerned, the petitioner would be at liberty to take recourse to the statutory remedy available to them.

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With the aforesaid observation and directions, this writ petition is disposed of.

(Jyoti Saran, J)

A.I./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2017
Transmission Date	NA

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