

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.697 of 2016

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M/s Sanjay Printing Works, through its Partner Sri Sanjay Kumar Jaiswal,
Son of Dr. Mathura Prasad Jaiswal, Resident of Mohalla - Rai Jai Krishna
Road, Gurhatta, P.S. - Khajekalan, District - Patna.

.... Petitioner

Versus

1. The South Bihar Power Distribution Company (Previously Known as the Bihar State Electricity Board), through its Managing Director "Vidyut Bhawan", Bailey Road (Jawaharlal Nehru Path), Patna.
2. The Electrical Executive Engineer, South Bihar Power Distribution Company, Patna City Electric Circle, District - Patna.
3. Assistant Electrical Engineer, South Bihar Power Distribution Company, Electric Supply Division, Padri Ki Haveli, Patna City, District - Patna.

.... Respondents

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 02-02-2017 Heard Mr. Ajay Prasad, learned counsel for the petitioner

and Mr. Vinay Kirti Singh, learned Senior Counsel appearing for

the South Bihar Power Distribution Company Ltd.

The limited grievance raised by the petitioner in this writ
petition is for grant of benefit under the Industrial Policy in so far
as it exempts the petitioner for payment of Monthly Minimum
Guarantee Charges as according to the petitioner he has not been
granted with this benefit for the period February, 2013 to April,
2014, inter alia, on grounds that the meter was defective.

Mr. Ajay Prasad, learned counsel for the petitioner, has
referred to an application filed by the petitioner before the



Electrical Executive Engineer, Electric Supply Circle, Patna City dated 30.12.2015 which he says remains pending. According to the petitioner, the bills are being raised without consideration of the benefit so available to the petitioner under the Industrial Policy, in so far as grant of exemption from payment of Minimum Guarantee Charges for the period aforementioned, is concerned and which has forced the petitioner to come before this Court.

A counter affidavit has been filed by the Legal Supervisor, who in paragraph 14 thereof has taken a stand that since the meter of the petitioner was unhealthy and did not reflect consumption of unit, hence the petitioner was not granted the benefit.

I would not express any opinion on the stand taken for the present because it is by an authority who is not competent to do so. Thus, notwithstanding the statement made by the Legal Supervisor of the Company under whatever authorization he may possess, I deem it fit and proper to direct the Electrical Executive Engineer, Electric Supply Circle, Patna City, who according to Mr. Singh, learned Senior Counsel for the Power Company, would be competent to do so, to consider the grievance of the petitioner as raised in the representation dated 30.12.2015, present at Annexure 5, as also taken note hereinabove and dispose of the same by a speaking order and after opportunity of hearing to the



petitioner, within a maximum period of six weeks from the date of receipt/ production of a copy of this order.

In so far as the prayer for interim relief is concerned, should the petitioner deposit 50% of the arrears charges and gives an undertaking for payment of balance in suitable monthly installment(s), the electricity line of the petitioner be restored within 48 hours thereafter.

It goes without saying that the petitioner apart from payment of the installment(s) would also be under obligation to clear the current dues each month failing which it would entail a disconnection.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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