

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.214 of 2013

IN

Civil Writ Jurisdiction Case No. 18043 of 2011

- =====
1. The Bihar State Electricity Board through Its Chairman
 2. The General Manager-Cum-Chief Engineer, P.E.S.U. Area, Patna
 3. The Electrical Superintending Engineer, P.E.S.U. (West), Patna
 4. The Asstt. Electrical Engineer Revenue, Electric Supply Division, Patliputra
- Appellant/s

Versus

1. The Consumer Grievance Redressal Forum, Patna through its Chairman
 2. The Chief Person, Consumer Grievance Redressal Forum, Patna
 3. The Member, Consumer Grievances Redressal Forum, Patna
 4. Smt. Veena Devi Katareka, Partner National Agro Chemicals
- Respondent/s
- =====

Appearance :

For the Appellant/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate Mr. Vijay Kuamr, Verma, Advocate
For the Respondent/s	:	Mr. Suraj Samdarshi, Advocate Mr. Vishal Vikram Rana, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 14-12-2017

Seeking exception to an order dated 23.08.2012 passed by the learned Writ Court in C.W.J.C. No. 18043 2011, this appeal has been filed under Clause 10 of the Letters Patent.

2. It was the case of the appellant-Board that initially when the matter was agitated by the petitioner in C.W.J.C. No. 3339 of 2010 and when the order was passed by the Writ Court on 29.07.2008, in the aforesaid writ petition, the only dispute, which was referred to the Consumer Grievance Redressal Forum constituted under Section 42(5) of the Electricity Act, 2003 was with regard to



payment of dues, which were pertaining to the period December, 1996 to February, 2000. However, while addressing the issue and while passing the impugned award, the Forum has gone into various aspects of the matter including the genuineness and the tenability of two inspections conducted by the Board on 16.12.1987 and 29.07.1988; and found it to be illegal and interfered into the matter. Primarily, the grounds canvassed are that in the garb of adjudicating the dispute with regard to payment of bills for the period December, 1996 to February, 2000, an issue much prior to that arising out of two inspections in question, as indicated hereinabove, has been looked into and the Forum has exceeded its jurisdiction in dealing with the issue. On the face of it, the aforesaid arguments look attractive and tense one to accept it, but on a close scrutiny of the detailed order passed by the Forum and reconsideration of the same made by the learned Writ Court, we find that when initially action was taken based on the inspections conducted in the year 1987 and 1988, the matter was taken up and thereafter a settlement was recorded and based on the settlement, a revised bill was prepared and a sum of more than Rs.3,20,000/- was paid in full and settlement of the previous claim, thereafter when the revised bill for the period in question was raised which included the arrears of dues, which already stood settled. The petitioner raised the dispute and the forum and the learned Writ Court found that on considering the entire bill, it is seen that the bills for the



period, which was referred to, also include certain arrears, which were to be paid in pursuance to the inspection report, inspection conducted on 16.12.1987 and 29.07.1988, interfered into the matter.

3. In our considered view, the Writ Court and the Consumer Grievance Redressal Forum have gone into the various aspects of the matter in detail, considered the record and found that the bills raised by the Board to be improper on violation of various factual aspects. Based on that evidence available on record, we see no error in the order passed by the learned Writ Court warranting reconsideration. The learned Writ Court has found that once the Consumer Grievance Redressal Forum in fact is the final body technical in nature and has evaluated various aspects and given a finding exercising its extra jurisdiction under Article 226 of the Constitution, interference cannot be called for. We also find no error in the aforesaid order passed by the learned Writ Court warranting reconsideration.

4. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2017
Transmission Date	21.12.2017

