

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.319 of 2016

In
Civil Writ Jurisdiction Case No.13707 of 2014

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North Bihar Power Distribution Company Ltd. Through Pranav Kumar, son of late Tilak Dhari Singh, resident of Village & P.O. Nanand, P.S. Silao, District-Nalanda, presently posted as Electrical Executive Engineer, Electrical Supply Division, Purnea.

... .. Appellant/s

Versus

M/s Venky Steel Pvt. Ltd., National Highway 31, Bypass Road, Balauri :Purnea, District Purnea through its Director Chakrawarti Prasad, son of Shri Brahmdeo Prasad Das, Resident of Sri Krishna Nagar, P.O. & P.S.-Begusarai, District-Begusarai.

... .. Writ petitioner-Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinay Kirti Singh, Senior Advocate
For the Respondent/s : Mr. Suraj Samdarshi, Advocate
Mr. Sumit Kumar Jha, 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 : 29-08-2017

Having heard learned counsel for the parties and keeping in view the fact that the dispute pertains to billing for the period 1998-99 and in view of the law laid down by the Hon'ble Supreme



Court in the case of **Bihar State Electricity Board & Ors. Versus Dhanawat Rice & Oil Mills & Ors.**, [AIR 1989 SC 1030], the Consumer Grievance Redressal Forum which was a creation of the Electricity Act, 2003, in our considered view, did not have jurisdiction to decide the issue with regard to remission and the validity of the order passed by the General Manager under Clause 13 of the agreement.

In view of the above, dismissal of the writ petition so far as it refuses to interfere with the order dated 30th of April, 2014 passed by the Consumer Forum in Case No.54 of 2014 is set aside, the order passed by the Consumer Forum being without jurisdiction is quashed and the appellant-Company is directed to decide this question also on the basis of remand already made by the Writ Court within a period of three months from the date of receipt of a certified copy of the order and thereafter take action as permissible in law with regard to imposition of delayed payment surcharge, keeping in view the judgments, if any, by Division Benches of this Court on similar issues or disputes.

Till the matter is not decided by the appellant-Company, no coercive steps shall be taken against the consumer by the appellant-Company.



With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2017
Transmission Date	

