

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18763 of 2015

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1. Shambhu Kumar Son of Shiv shankar Prasad Resident of Mohalla- Bankipore
Gorakh, Po & P.s Fatuhan District Patna.

.... Petitioner/s

Versus

1. The Chairman, Bihar Electricity Board , Bihar,Patna.
2. The Chief Engineer-cum-Commercial officer (Ashok kumar Singh) Electricity
Board, South Bihar, Patna.
3. The Director, South Bihar Power Distribution Company Ltd. Patna.
4. The Junior Engineer, Fatuhan Division, Bihar Electrictiy Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1, Advocate.
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Vijay Kumar Verma,
Mr. Akhileshwar Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-07-2017

Heard learned counsel for the petitioner and learned
counsel for the South Bihar Power Distribution Company Ltd.

In the present case, petitioner is seeking relief for granting
commercial electric connection as he is intending to start an ice
cream factory and having deposited the fees of Rs.14,400 as
security deposit, Rs. 1500 as current consumption charge and
Rs.300 as advance consumption charge which is essential
compliance for having commercial electric power.

It appears from the record that Power Distribution
Company has denied to give commercial power connection on



the ground that there was outstanding dues of Rs. 8,83,343/- against Uday Kumar, son of Bhola Nath Gupa who is also in occupation of the same house but learned counsel for the petitioner submits that Uday Kumar happens to be his cousin brother, family has entered into partition in the year 1995 since then both have no connection to each other and petitioner is seeking power connection for the premises which has been allotted to him but outstanding dues is standing against the another premises belongs to Uday kumar not the petitioner. There is no outstanding dues against the petitioner nor any criminal case of any nature has been lodged against him whereas he has already deposited the requisite fees so he cannot be deprived for grant of power of running the commercial business.

Admittedly from the counter affidavit it appears that in the raid conducted by the respondent Company and it was found that Uday Kumar was committing theft and was using the power illegally whereupon bill has been raised for Rs. 8,83,343. Petitioner has a separate premise, has nothing to do with Uday Kumar, he intends to initiate a commercial business. As from the record it appears that there was no outstanding dues against the petitioner, in such view of the matter, this Court directs the Power Distribution Company, if the petitioner has already



deposited the necessary fees, in such circumstance, the petitioner must be provided the power with respect to his premises and Power Distribution Company will be liberty to realize the amount from Uday Kumar as per law. The Power Distribution Company will grant power to the petitioner within a period of two weeks from the date of receipt/production of a copy of this order.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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