

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.337 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 3062 of 2015**

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1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan Bailey Road, Patna through its Chairman-cum-Managing Director.
 2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Director.
 3. The Electrical Superintending Engineer, Patna Circle, R Block, Patna.
 4. The Electrical Executive Engineer, H.T. Cell, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
 5. The Electrical Executive Engineer, Electric Supply Division, Fatuha, District - Patna.

.... Appellant/s

Versus

M/s Harsh Tejas Nutrition Private Limited, Agamkuan, Guljarbag, P.S.- Alamganj, District - Patna, through its Director, Arvind Kumar. Son of Krishna Lal Sah. Tulsi Mandi, Agamkuan, Patna City, P.O.- Guljarbagh, P.S.- Alamganj, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Akhileshwar Singh, Advocate
Mr. Vijay Kumar Verma, Advocate
For the Respondent/s : Mr. Durgesh Nandan, AAG-14
Mr. Suraj Samdarshi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-05-2017

Seeking exception to an order dated 29.10.2015 passed by the learned Writ Court in C.W.J.C. No. 3062 of 2015 this appeal has been filed under Clause 10 of the Letters Patent.

2. Respondent Industry was issued with a bill by the appellant based on inspection conducted in their premises on 09.04.2011 and finding irregularities committed the punitive bill was



raised. The respondent filed objection which was rejected and, therefore, after depositing 50 per cent of the amount demanded, an appeal was filed before the Statutory Authority in accordance to the requirement of the Statute. The Appellate Authority allowed the appeal, upheld the contention of the Industry and remanded the matter back for fresh consideration with an observation that the penalty should not be levied for 365 days. Despite the order passed by the Appellate Authority under Section 127 of the Electricity Act when revised bill was not issued, the writ petition was filed.

3. The only objection raised by the appellant before the Writ Court was that as the Company has also filed a writ petition challenging the appellate order, therefore, at this stage, no benefit can be granted. However, the learned Writ Court rejected the aforesaid by holding that merely because the order passed by the Appellate Authority is challenged in a writ petition, until and unless it is not set aside, the appellant cannot shirk away from the responsibility to comply with the directive of the Appellate Authority.

4. In doing so, we are of the considered view that the learned Writ Court has not committed any error. That is the view of this Court also in the case of **Mosmat Swaran @ Swaran Manraw Vs. The State of Bihar & Anr. 2012 (2) PLJR 229** and in view of the aforesaid, we see no reason to make any indulgence into the



matter. The appellant should comply with the order of the Appellate Authority subject to any decision that may be rendered in the appeal filed by the appellant which is pending consideration before this Court.

5. With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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