

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14350 of 2016

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M/s U A L Bihaar, a unit of U A L Industries Ltd., having its local place of business at Gita Nilayam, Near Ganpati Apartment, Umesh Cinema Road, District- Vaishali through its Assistant General Manager namely S.K. Mishra S/o Late Mahesh Chandra Mishra resident of Gita Nilayam, Near Ganpati Apartment, Umesh Cinema Road, Distric- Vaishali.

.... Petitioner

Versus

1. The North Bihar Power Distribution Co. Ltd., Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Co. Ltd., Vidyut Bhawan, Bailey Road, Patna
3. The General Manager cum Chief Engineer, Tirhut Electric Supply Area, Muzaffarpur- 842001.
4. The Deputy General Manager, Tirhut Electric Supply Area, Muzaffarpur- 842001.
5. The Superintending Engineer, Electric Supply Circle, Muzaffarpur.
6. The Electrical Executive Engineer Electric Supply Circle, Muzaffarpur.
7. The Chief Engineer (Commercial) North Bihar Power Distribution Co. Ltd., Vidyut Bhawan, Bailey Road, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
Mr. Rajeev Shekhar, Adv.
For the Respondent/s : Mr. Vinay Kirti Singh, Senior Adv.
Mr. Vijay Kumar Verma, Adv.
Mr. Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-05-2017

Heard learned counsel for the parties.

2. In this case, the petitioner was proposing to set up an industry, but on account of certain reasons and objections he failed



to establish the same. The cause of non-establishment of industry is not required to be gone into in the present proceeding as it has nothing to do with the issue which has been raised in this writ application.

3. The petitioner in a hope to establish the industry applied for the power supply and the petitioner has also deposited the security amount. Now, the situation has come that it is impossible for him to establish the industry in the State of Bihar, which is beyond the control of the petitioner, so he wants that whatever the money he has deposited as security amount be returned to him.

4. Learned counsel for the North Bihar Power Distribution Company submits that once the security amount has been deposited unless there is a disconnection of power and determination of the contract, the money cannot be returned as supply code does not deal with situation prevailing in the present case.

5. If the amount has been deposited as security amount and the consumer who was contemplating to establish the industry is not in a position to establish the same, in such circumstance, taking plea that there is no provision of return of security amount



will led to an absurd situation. When the petitioner has deposited the security amount and is not intending to take power connection, the authority must return the security amount without delay.

6. In such view of the matter, let the respondent authorities return the security amount to the petitioner within a period of six weeks from today.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	24.05.2017
Transmission Date	N/A.

