

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4039 of 2015

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1. Dilip Kumar Singh Son of Dhermdeo Singh,
2. Dhermdeo Singh Son of Late Harinandan Singh, Both resident of village -
Ekdanga, P.S. Belchi, District - Patna.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman, Patna.
2. The Executive Engineer, Bihar, State Electricity Supply Division, Barh, Patna.
3. The Superintendent Engineer, Bihar State Electricity Board, Barh, Patna.
4. The Assistant Engineer, Bihar State Electricity Board, Supply Division, Barh,
Patna.
5. The Junior Engineer, Bihar State Electricity Board Supply Division Barh (Rural),
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Respondent/s : Mr. Ashok Kumar Karn, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-02-2017

Heard Mr. Manoj Kumar Pandey, learned counsel for the
petitioner and Mr. Ashok Kumar Karn learned A.C. to Mr. Anand
Kumar Ojha representing the Distribution Company.

The petitioner prays for restoration of the electricity connection
which has been disconnected consequent upon the institution of the
police case arising from Belchi P.S. Case No. 29 of 2014 registered
under Section 135 of the Electricity Act (hereinafter referred to as 'the
Act'). The petitioner also prays for supply of the provisional
assessment order to enable the petitioner to exhaust his remedy as



available under Sections 126 and 127 of 'the Act'.

It is submitted by Mr. Pandey learned counsel for the petitioner that the entire amount mentioned in the F.I.R. to the tune of Rs. 1,80,268/- has since been deposited by the petitioner. He submits that in the circumstances while there should be no difficulty for the respondents for restoration of the electricity connection, the petitioner is prejudiced by non supply of the provisional assessment order for it precludes him from filing his objection thereto for its disposal as per section 126 of 'the Act'. He submits that it also deprives the petitioner to his legal right as provided under Section 127 of 'the Act'.

Mr. Karn learned counsel for the respondents while submitting that he has no instructions whether the entire provisional punitive amount has been deposited by the petitioner, in so far as non- supply of the provisional assessment order is concerned, learned counsel for the respondents invites the attention of this Court to Annexure-C/1 of the counter affidavit filed today to submit that the copy of the provisional assessment order was communicated to the petitioner on 8.1.2015 but has not been objected to.

Mr. Pandey denies the receipt of any such provisional assessment order.

In the circumstances so discussed above and in case the petitioner has deposited the entire provisional punitive amount of Rs.



1,80,268/- I would direct the Electrical Executive Engineer, respondent No.2 and the Assistant Engineer to consider the prayer of the petitioner by reconnection and in case the assertion is correct then the electricity connection should be restored within 48 hours of receipt/production of a copy of this order.

In so far as the grievance of the petitioner against non supply of the provisional assessment order is concerned, this Court without entering into the contest whether or not the provisional assessment order was actually delivered to the petitioner, would grant liberty to the petitioner to file his objection against the provisional assessment order, a copy of which is present at Annexure-C/1 to the counter affidavit before the assessing authority within a period of 6 weeks from today and which objection should be considered by the assessing authority and be disposed of in accordance with law after opportunity of hearing to the petitioner without raising any objections as to the delay caused.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

Bibhash/-

NAFR	
CAV DATE	NA
Uploading Date	7.2.2017
Transmission Date	NA

