

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20851 of 2014

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1. M/s Ambika Bhawani Cold Storage Pvt. Ltd. Village Bakhra, Police Station - Sariya, District - Muzaffarpur, Consumer No. H T/17 of Muzaffarpur Electrical Circle, Muzaffarpur appearing through its Director Rajesh Kumar Singh Son of Late Paras Nath Singh Village - Bakhra, Police Station - Sariya, District - Muzaffarpur

.... Petitioner/s

Versus

1. The North Bihar Power Distribution Co. Ltd. appearing through its Managing Director, Vidyut Bhawan, Bailey Road, Police Station Kotwali, Dist. - Patna
2. The Elecl. Superintending Engineer, Muzaffarpur Electrical Circle, Muzaffarpur
3. The Elecl. Executive Engineer, Muzaffarpur (West) Electrical Supply Division, Muzaffarpur
4. The Elecl. Executive Engineer, (Commercial and Revenue Division), Muzaffarpur Electrical Circle, Muzaffarpur
5. The Chief Engineer (Commercial) North Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
Mr. Shamsheer Singh Rekhi

For the Respondent/s : Mr. Vinay Kirti Singh
Mr. Vijay Kumar Verma
Mr. Akhileshwar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

- 8 19-05-2017 1. Learned counsel for the North Bihar Power Distribution Company Limited submits that the name of the Chief Engineer Commercial be impleaded as Respondent No. 5. Accordingly, the Chief Engineer Commercial, North Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna is impleaded as party- respondent No. 5.
2. Let necessary correction be made in the cause tile of the brief.



3. In the present writ application, the petitioner has come for implementation of the order dated 09.05.2014 issued by the Electricity Ombudsman, Bihar State Electricity Regulatory Commission passed in Appeal Case No. 01/2014. By the said Majority Order, in exercise of the statutory power conferred under Section 42(6) of the Electricity Act, 2003, the Electricity Ombudsman has passed a speaking order dated 09.05.2014 setting aside the order of Consumer's Grievances Redressal Forum, Muzaffarpur which was passed on 13.12.2013. By the said order, the Electricity Ombudsman has held that the order passed by the majority view of the Members of C.G.R.F. is not in accordance with law and has set aside the same. It has further been directed that all energy bills raised between 07.04.2008 to 02.02.2011 and along with the bills, if any, issued on wrong arrears included in the bills subsequent to 02.02.2011 are quashed. The Electricity Ombudsman has further ordered to issue a fresh bill with a fresh due date after giving exemption in electricity duty and waving of monthly minimum guarantee charges from 07.04.2008 till date and also for discounting of the DPS within fifteen days of receipt/presentation of the order. It has directed that the electricity supply shall be restored within five days of the payment of the fresh revised bill, if any, amount is found due from the consumer.



It has further directed that if any, excess payment is made by the petitioner, it shall be adjusted in future bills. The compliance report was to be submitted to the Ombudsman within a period of one month of the order.

4. It appears from the grievance raised in the present writ application that till date, the aforementioned order of the Electricity Ombudsman has not been complied with for which the present petitioner has approached this Court under extraordinary jurisdiction seeking appropriate relief.

5. Learned counsel for the petitioner submits that the petitioner has been wrongly prejudiced on account of want of electricity supply which has resulted in much loss to its unit. It has also caused loss to livelihood and, thus, an expeditious remedy is called for.

6. I have heard learned counsel for the petitioner and learned counsel appearing on behalf of the North Bihar Power Distribution Company. This Court feels that the aforementioned order have not been challenged till date. It is thus incumbent that the order passed be implemented as expeditiously as possible.

7. As such, it is directed that the petitioner will appear before the Respondent No. 5 (the Chief Engineer Commercial, North Bihar Power Distribution Company Limited) along with a



copy of the order passed in this writ application.

8. The concerned authority shall then issue the necessary bills as per the directions of the Electricity Ombudsman within a period of four weeks from the receipt/production of a copy of this order.

9. It is made clear that the petitioner shall not adopt any dilatory tactics and shall also be paying the electricity charges as per the bills being issued to him after restoration of line which had taken place in pursuance of the interim direction of this Court.

10. With the aforementioned direction, the present writ application stands disposed of.

(Anjana Mishra, J)

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