

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1590 of 2014

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1. Abhay Kumar Son of Shyam Kishore Prasad Resident of Mohalla - Hanuman Nagar, Police Station - Islampur, District - Nalanda

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan, Patna
2. The General Manager, South Bihar Power Distribution Company Ltd.
3. The Executive Engineer, Electrical Supply Sub - Division, Islampur, Nalanda
4. The Assistant Electrical Engineer, Electric Supply Sub - Division Islampur, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Jai Prakash Singh, Adv. Mr. Anil Kumar Singh, Adv.
For the Respondent/s :	Mr. Vinay Kirti Singh, Adv. Mr. Vijay Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-02-2017

Heard Mr. Jai Prakash Singh learned counsel for the petitioner and Mr. Vinay Kirti Singh learned Senior counsel who appears along with Mr. Vijay Kumar Verma, Assisting Counsel, for the respondents.

The petitioner is aggrieved by two inspection reports one resulting in a proceeding under Section 126 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') and the other resulting in a police case under Section 135 of 'the Act'. Annexure-4 is the provisional assessment order dated 19.8.2013, passed under Section 126 of 'the Act' on the connected load being found at 9 Kilowatt at the premise of the petitioner as against the sanctioned load of two



Kilowatt. The provisional assessment was made at Rs. 4,41,204/- and the details of the same is enclosed with the provisional assessment. Although the petitioner submits that he filed an objection to the provisional assessment but the same is not on record. It is stated by Mr. Jai Prakash Singh that it was sent by registered post.

A counter affidavit is on record but it does not record the receipt of the objection.

In so far as the criminal case is concerned, the provisional assessment was made at Rs. 1,10,602/- and which has been deposited by the petitioner in four instalments as mentioned at paragraph 9 of the counter affidavit.

In the circumstances, where the bill raised vide provisional assessment under the police case has been deposited in instalment(s) and considering that there is no acknowledgement of the objection filed by the petitioner to the provisional assessment made under Section 126 of 'the Act' present at Annexure-4, I deem it proper to dispose of the writ petition with the liberty to the petitioner to file a fresh objection within four weeks from today and any such objection filed by the petitioner to the provisional assessment present at Annexure-4 would be considered and disposed of by the Assessing Authority in accordance with law and with opportunity of hearing to the petitioner.



Coming to the interim relief prayed by the learned counsel for the petitioner, considering that the penal amount under the police case has been deposited, in case the petitioner would deposit a sum of Rs.2,21,000/- which is approximately 50% of the provisional assessment amount under Section 126 of ‘the Act’, the electricity line of the petitioner would be restored within 48 hours of its deposit. The balance payment would be subject of the outcome of the proceedings under Section 126 of ‘the Act’ and Section 135 of ‘the Act’ as the case may be.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NA
CAV DATE	NA
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