

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2070 of 2015

In
Civil Writ Jurisdiction Case No.12998 of 2014

Arising Out of PS. Case No.- Year- Thana- District- Begusarai

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Md. Sattar Son of Md. Idris Resident of Village Shokhara, P.O. Barauni, P.S. Phulwaria, District Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Energy Department, Bihar, Patna.
2. The Chairman, Bihar State Power Holding Co. Ltd., Patna.
3. The North Bihar Power Distribution Co. Ltd. Muzaffarpur through its M.D.
4. The Executive Engineer, Bihar Electricity Board, Barauni, Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr Baidnath Thakur
		Mr. Md. Fahimuddin
For the Power Holding Company:		Smt. Namrata Mishra
For the State	:	Mr H.S.Goldie, AC to GP 6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 13-09-2017

Heard counsel for the appellant and counsel for the Power Holding Company.

Challenge has been made to the order dated 08.10.2015 passed by the learned Single Judge, who has dismissed the writ application giving leeway and liberty to the appellant, who was the petitioner, to exhaust statutory remedy of appeal.



Having given a patient hearing to the appellant's counsel, we do not find any intrinsic jurisdictional error as to why the statutory provision of appeal should be given a go by and the matter adjudicated in the writ or in Letters Patent Appeal.

We have been through the inspection report, which has been duly prepared at the time of the inspection of the premises where appellant too participated and has put his signature on the inspection report. Reading of the inspection report gives an impression that a very exhaustive and fair kind of inspection has been done and assessment made.

Not only this, in the defence or explanation offered by the appellant, he does not seriously deny the presence of the equipments which has been taken note of in the inspection report. The only answer given by him is that those equipments were used one by one and the meter was not tampered. The fallacy in such argument is not only about consumption but since it is an industrial connection, therefore, load factor is equally important in working out the liability of a consumer.

We are not satisfied with the submissions in the facts and the law. The learned Single Judge has committed no error by dismissing the writ and allowing the appellant to exhaust statutory remedy of appeal.



Appeal is dismissed.

The appellant may take advantage of pendency of the appeal before the court, if the issue of limitation is raised.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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