

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11910 of 2014

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1. Mahendra Prasad Sah, Son of Late Mishri Lal Sah, resident of Village- Simrahi Bazar, Supaul, P.O.- Raghapur, District- Supaul

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company, Vidyut Bhawan-I, Bailey Road, Patna, through it's Managing Director
2. The General Manager-cum-Chief Engineer, Gishi, Region Vidyut Board, Saharsa
3. The Electrical Executive Engineer, Electric Supply Division, Supaul
4. The Assistant Electrical Engineer, Electric Area, Birpur, Supaul
5. The Junior Electrical Engineer, Electric Division, Birpur, Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-02-2017

Heard Mr. Mani Bhushan Kumar learned counsel for the petitioner and Mr. Ratan Prasad Sinha learned counsel for the Power Distribution Company.

The petitioner is aggrieved by the order dated 30.12.2013 passed by the Electricity Ombudsman in Appeal Case No. 2 of 2012 in exercise of powers vested under Section 42(6) of the Electricity Act, 2003 and the short issue raised by Mr. Mani Bhushan Kumar to question the order of Ombudsman is, that Mr. Tara Kant Sah while discharging functions of Electricity Ombudsman has sat in appeal over his own order passed as the Chairman of the Consumer Grievance Redressal Forum which was put to question before the Electricity Ombudsman. The grievance raised is confirmed from the



order impugned at Annexure-1 and Mr. Ratan Prasad Sinha learned counsel for the respondent would not contest the situation. It is however informed by Mr. Sinha learned counsel for the Power Distribution Company that the position on the post of Electricity Ombudsman has since changed and some body else is occupying the position.

Having heard learned counsel for the parties and in the uncontested position discussed above, the order dated 30.12.2013 passed by the Electricity Ombudsman in Appeal Case No. 2 of 2012 impugned at Annexure-1 cannot be upheld and is accordingly quashed and set aside. The matter is remitted to the Electricity Ombudsman for its consideration afresh and for its disposal in accordance with law after due opportunity of hearing to the petitioner. It is made clear that this Court has not expressed any opinion as regarding the inter-se merits of the case and thus the parties herein shall be at liberty to raise all issues as raised in this writ petition.

The writ petition and the interlocutory application are accordingly disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	NA

