

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14790 of 2014

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1. Jitendra Prasad son of Sri Raghunath Prasad Resident of Mohalla - Chandpur
Bela (Dopulwa) P.O. - G.P.O. P.S. - Jakkanpur, Patna.

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
2. Electrical Executive Engineer, Electric Supply Division, Gardanibagh.
3. Assistant Electrical Engineer, Electric Supply Sub-Division, Gardanibagh, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, 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. Shambhu Sharan Singh learned counsel for the petitioner and Mr. Vinay Kirti Singh learned Senior counsel for the respondents.

The limited grievance raised by the petitioner in this application is, for appropriate direction to the respondent authorities to grant him electricity connection. It is not in dispute that by virtue of certain arrears of electricity dues pending against the house owner that the electricity connection to the petitioner is pending consideration since 2012 even when according to Mr. Shambhu Sharan Singh the application in terms of Clause 4.1(i) in prescribed format has been deposited along with required fee. He further submits that an attempt was made by the respondent to recover the arrears dues from the



House owner by filing a suit in the civil court but with no success and the suit was dismissed. However, there is no such assertion made in the writ petition.

A counter affidavit has been filed enclosing a letter of the Assistant Electrical Supply Division, Gardanibagh, Patna asking the petitioner to persuade his landlord to deposit the arrears dues. If he wanted to get afresh connection.

Having heard learned counsel for the parties and in view of the amended provision underlying clause 4.1(i) of the Bihar Electricity Supply Code, 2007, the direction issued by the Assistant Electrical Engineer is unsustainable. Clause 4.1(i) of the Bihar electricity Supply Code, 2007 has been amended vide notification No. BERC-Regl-06/06-Part ii/02/08 dated 24.2.2008 and prohibits the respondents from denying an electricity connection to the subsequent owner /occupier or a tenant of the house in case where there are electricity dues pending against the House owners/occupier or the tenants and the Distribution company has been advised to take steps for its recovery by taking recourse to the provisions of the Bihar and Orissa Public Demand Recovery Act. The amended provision of Clause 4.1 (i) of the Bihar electricity Supply Code, 2007 runs as under:

“4.1 The Licensee shall on an application by the owner or occupier of any premises, located in his area of supply, give supply of electricity to such premises within one month after receipt of completed



application and requisite charges.

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(i) (If there are arrears of electricity dues against the owner or occupier or tenant of a premise as a consumer, new connection shall not be denied to subsequent owner, occupier or tenant, and the arrear of electricity dues on the premises shall be recovered from the defaulting consumer under the provisions of Bihar and Orissa, Public demand Recovery Act, 1914 or alternatively the arrears may also be transferred to another running accounts of the defaulting consumer after adjustment of amount of security deposit and internet there on and giving fifteen days notice.

.....”

In view of the clear stipulations present and since there is no dispute as to the tenancy of the petitioner in the house in question and going by the statement made by the petitioner, the application in prescribed format together with the court fee having been deposited, I deem it fit and proper to direct the respondents more particularly respondent Nos. 2 and 3 to take necessary steps for providing electricity connection to the petitioner within a maximum period of one week from the date of receipt/production of a copy of this order.

The writ petition is allowed.

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.03.2017
Transmission Date	NA

(Jyoti Saran, J)

