

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1775 of 2017**

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Amar Singh, son of late Birija Singh, resident of Durga Ashram Gali, Sheikhpura,  
P.S. Shastri Nagar, District Patna

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Bihar, Patna
2. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The Executive Engineer, Electricity Supply Division, Patna Nutan Radhani Division, South Bihar Power Distribution Company Limited, Mangles Road, Patna
4. The Assistant Engineer, Electricity Supply Division, Patna Nutan Rajdhani PUSU (West), South Bihar Power Distribution Company Limited, Mangles Road, Patna
5. The Junior Engineer, PESU (West), Patna near New Secretariat, South Bihar Power Distribution Company Limited, Mangles Road, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pradeep Sharma

For the Respondent/s : Mr. Kumar Priya Ranjan

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 23-08-2017**

Heard the parties.

In the present case, petitioner is seeking connection of electricity as he has constructed his house over Plot No.349, Khata No. 198, measuring 1035 sq. ft.

As per petitioner, he has constructed a new house, he applied for power but Power Holding Company but refused to give power on the ground that one Ranjeet Kumar had constructed his Jhopri over the aforesaid land and he had used the power by committing theft. An FIR was lodged against him under Section 135 of the



Electricity Act and amount was assessed to Rs.92,287/-.

Learned counsel for the petitioner submits that Ranjeet Kumar had constructed his Jhopri not in his plot but on other plot, wrongly it has been treated the plot of the petitioner and he has illegally been demanded for payment of aforesaid amount. Petitioner has not been implicated in the criminal case nor ever demand was made against the petitioner by the Company.

Learned counsel for the Power Distribution Company submits that as Ranjeet Kumar had constructed a Jhopri with the consent of the petitioner on his plot and he had illegally used the power thereby causing loss to the Power Distribution Company, unless that amount is not paid the Company cannot give the power to the petitioner.

It is disputed question of fact, cannot be looked into by this Court in present proceeding. If petitioner has constructed the house on different plot as that of Ranjeet Kumar who had earlier constructed a Jhopri, in that circumstance, the Power Holding Company will be obliged to give connection. But if Ranjeet Kumar on the consent of the petitioner had constructed a Jhopri on his plot and illegally used the power then this Court cannot give any direction unless the amount is liquidated by Ranjeet Kumar or the petitioner.



With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

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