

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4880 of 2015

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Md. Muzamil Alam. S/o Late Imtiyaj Alam, aged about 28 Years. Resident of Village - Sultanganj, P.S.- Sultanganj, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Energy Department, Govt. of Bihar, Patna.
2. President, Bihar Electricity Board, Patna.
3. Chief Engineer, Bihar Electricity Board Patna.
4. Executive Engineer, PESU.
5. Assistant Engineer, Gaighat Branch, PESU.
6. Assistant Electric Engineer, Electric Supply Sub Division, Gaighat, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Adv.
For the Respondent/s : Mr. Sanjay Kumar, AC to SC15
For SBPPCL : Mr. Anand Kumar Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-01-2017

Heard Mr. Rajkumar Rajesh, learned counsel for the petitioner and Mr. Anand Kumar Ojha, learned counsel for the Board.

The petitioner has raised a dispute regarding correctness of energy bill dated 14.6.2014 issued by the Assistant Electrical Engineer (Revenue), Electric Supply Division, Gulzarbagh, Patna.

According to the learned counsel, the bill, a copy of which is impugned at Annexure 18, is not correct as it contains no details. According to the petitioner, he is holder of connection since 2009 with 6 HP load and that during an inspection, it was wrongly reported that the petitioner was consuming 17 HP load which according to the respondents was in excess of the contract load, and led to filing of a First Information Report and drawing up of proceedings under section



126 of the Electricity Act, 2003 (hereinafter referred to as 'the Act').
The proceeding is pending consideration in appeal.

The stand of the petitioner is that it is questioning the bills raised by the respondents during the period that the petitioner came before this Court in C.W.J.C.No. 19279/2012 and a Bench of this Court taking note of the pending proceeding and the submission regarding payment of 40% of the bill, was pleased to quash the bill vide judgment and order dated 17.10.2012 with a direction to the petitioner to abide by the final order passed by the appellate authority. It is the stand of the petitioner that the line of the petitioner was reconnected on 12.1.2012 at a load of 6 HP and which has continued as such. It is not in dispute that the appeal remains pending.

The writ petition does not disclose as to what has happened since after disposal of the writ petition by this Court on 17.10.2012 and what bill was raised thereafter and whether the petitioner has made payment thereof. The bill under challenge is dated 14.6.2014 and is for an amount of Rs.5,11,472/- which includes arrears.

The grievance raised by the learned counsel for the petitioner is that even though the reconnection of the petitioner has been made at 6 HP which is the sanctioned load, yet the bill has been raised at 17 HP and which by itself confirms its incorrectness. Although it is the argument of the learned counsel that the charge made against the petitioner of drawing a higher load is not correct but since the matter



is yet pending consideration before the appellate forum, no opinion is expressed.

The issues raised by the learned counsel for the petitioner that even though he is drawing electricity at 6 HP but bill is being raised at 17 HP, is an issue of fact and requires an examination and deliberation by the appropriate authority which according to Mr. Ojha would be the Executive Engineer, Gulzarbagh, Sandalpur, Patna.

In the circumstances discussed I deem it fit and proper to allow the petitioner to raise his grievance before the Executive Engineer, Gulzarbagh, Patna giving details of the matter in dispute with supportive documents and any such grievance raised by the petitioner should be considered and disposed of by the Electrical Executive Engineer, Electric Supply Division, Gulzarbag in accordance with law and with an opportunity of hearing to the petitioner expeditiously and preferably within a period of three months from the date of filing of such representation.

The writ petition is, accordingly, disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2017
Transmission Date	NA

