

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19170 of 2015

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Raghu Nath Singh Son of late Bacha singh Proprietor of M/s Arun & Company
,resident of Powerganj, Gorhna, Road, P.s Ara- Nawada, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Principal Secretary, Department of Energy Department of Bihar, Patna.
3. Bihar State Electricity Board, represented through its Chairman, Vidyut Bhawan, Bailey Road, Patna.
4. The Chairman , Bihar state Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
5. General Manager cum Chief Engineer, Central Electric Supply Area, Patna.
6. Senior Manager (Finance & Account), Electric Supply Area (central) Patna.
7. Executive Engineer, Electric Supply Sub division(R), Ara. district Bhojpur.
8. Assistant Electrical Engineer, Electric Supply Sub divisional (R) Ara, District Bhojpur.
9. Junior Electric Engineer, Electric Supply Sub divisional (R) Ara, District Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Md. Imteyaz Ahmad, Adv. Mr. Amit Kumar, Adv. Mr. Shashank Shekhar, Adv.
For the SBPDCL	:	Mr. Vijay Kuma Verma, Adv.
For the State	:	Mr. Santosh Chandra Bhaskar, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-02-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is claiming an amount of Rs.
18,08,858/- as he has submitted the final bill for electrification of the
village Paiga under Barhara Block.

The short fact of this case is that the petitioner is the



Proprietor of M/s Arun & Company, a registered Contractor, engaged in the work of electrification for last three decades. The petitioner is carrying out the work of electrification. The work order was issued for electrification of the village Paiga under Barhara Block on turn key basis and the petitioner entered into an agreement vide No. 20 of 2012-13.

As per learned counsel for the petitioner, the petitioner has electrified the village and initially he has submitted a bill of Rs. 3,15,160/- which has been paid. The petitioner whereafter submitted final bill of Rs. 18,08,858.10/- but, from the body of the writ application, it appears that a complaint has been lodged against the petitioner for installing a substandard transformer which was burnt and, as such, the payment has not been released.

Learned counsel for the petitioner submits that he has purchased the transformer from the recognized manufacturer and installed the same, it is the manufacturing company who was to repair the transformer in terms of the purchase agreement. He further submits that whatever the petitioner is entitled after permissible deduction, the same should be paid to the petitioner.

In the considered opinion of this Court, if the petitioner has electrified the village, merely because there is one transformer which is substandard, the South Bihar Power Distribution Company



must release the payment after making due permissible deduction from the final bill submitted by the petitioner.

The petitioner is directed to file a representation before the General Manager cum Chief Manager, South Bihar Power Distribution Company who will be obliged to examine the case of the petitioner and, after proper verification, would release the admitted amount to the petitioner within a period of three months from the date of filing of the representation along with a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	

