

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10580 of 2014

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1. Arvind Kumar S/o Bhola Prasad Resident of Mohalla Nayatola, P.S. Jehanabad,
District Jehanabad.

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Baily Road,
Patna, represented through its Managing Director.
2. The Managing Director, South Bihar Power Distribution Company Ltd. Vidyut
Bhawan, Bailey Road, Patna.
3. The Deputy General Manager Electric Supply Area, Gaya.
4. The Superintending Engineer, Electric Supply Circle, Gaya.
5. The Executive Engineer, Electric Supply Division, Jehanabad.
6. The Sub Divisional Officer, Electric Supply Sub Division, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Sharma, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-02-2017

Heard Mr. Shailendra Kumar Sharma learned counsel for the
petitioner and Mr. Vijay Kumar Verma learned counsel for the
respondents.

In the nature of the order this Court proposes to pass it would
not be necessary to delve into the merit of the case. Suffice it to say
that it is following an institution of a police case under Section 135 of
the Electricity Act, 2003 (hereinafter referred to as 'the Act'), giving
rise to Jehanabad P.S. Case No. 176 of 2014 that the line of the
petitioner has been disconnected. A copy of the F.I.R. has been placed
on record at Annexure-3 and reflects a provisional loss estimated at



Rs. 1,42,717/-. The matter is now pending consideration before the Special Court constituted under ‘the Act’. The petitioner notwithstanding the proceedings pending before the special court prays for an interim relief for restoration of his electricity.

Having heard learned counsel for the parties on merits and the interim prayer made by the petitioner for restoration of electricity and considering that the matter is pending before the special court not only for adjudicating on the criminal liability but also on the civil liability, I deem it proper to direct that should the petitioner deposit 50% of the penal amount of Rs. 1,42,717/- which comes to around Rs. 71,360/- as against the provisional bill so raised, his electricity connection should be restored within 48 hours thereafter. The balance amount pending shall be subject to the determination of the civil liability by the special court. It goes without saying that should the petitioner default in payment of his current charges upon such restoration, the respondents shall be free to take appropriate action for disconnection, in accordance with law.

The writ petition is disposed of accordingly.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
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