

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1603 of 2016**

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Shri Durga Roller Flour Mills Private Ltd.

.... Appellant/s

Versus

Bihar State Electricity Board (Now Known As Bihar State Power (Holding) Company Ltd. & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Vinay Kirti Singh

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 16-01-2017 Heard the learned counsel for the petitioner and the learned counsel for the State-respondent.

Perused the impugned order dated 22.08.2016 passed by Sub Judge X, Gaya in Title Suit No.83 of 2015 / 8 of 2006 / 192 of 1994.

It appears that the present petitioner filed the application under Section 151 CPC in the suit praying for direction to the respondents herein to communicate the electricity with the petitioner's company. The respondents objected the prayer on the ground that in fact more than Rs.13,35,959/-is still pending which is to be paid by the petitioner and unless the said amount is paid, the connection cannot be restored.

The learned counsel for the petitioner submitted that nothing is due and every dues have already been paid and the



petitioner is ready to pay the dues and current bill if connection is restored but the Court below has not at all decided this aspect of the matter and has rejected the application.

On the other hand, the learned counsel for the respondent submitted that if the dues up till now will be paid, the connection will be restored to the petitioner's company and the petitioners shall also undertake to pay the regular electricity bill of the respondent.

In view of the aforesaid submissions of the parties, in my opinion, this becomes a disputed question of fact as to whether any amount is still pending or it has been paid. If so advised, the petitioners may approach the Court below for deciding the same and thereafter the Court shall pass necessary order. However, the learned counsel for the respondent undertakes that the respondent shall expedite the examination of witnesses so that the suit which is of the year 1994 may be disposed of as early as possible.

In view of the above facts and circumstances that the question raised by the petitioner and the respondent is purely question of fact, the same cannot be decided in exercise of supervisory jurisdiction. If this matter is disputed before the Court below and it is insisted then the Court may decide the same and may pass order according to law. However, the impugned order



in this Civil Misc. application cannot be interfered with in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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