

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14566 of 2017

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Krishna Murari, General Manager (SAIL) Retd. Salempur Road, Chapra - 841301

.... Petitioner

Versus

The North Bihar Power Distribution Company Ltd., Chapra - 841 301 Local re. Sh Madan Kumar, legal Re. grd. II, North Bihar Power Distribution Co Ltd, Vidyut Bhawan-1, Bailey Road Patna 800 021

.... Respondent

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Appearance :

For the Petitioner : Mr. Krishna Murari (In Person)

For the Respondents : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Anand Kr. Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

Perused the office notes. Let the defects as pointed out by the office be ignored.

2. Heard the petitioner appearing in person, as well as learned counsel for the respondent-North Bihar Power Distribution Company Limited. One copy of the writ petition has been served upon the respondent in Court today.

3. The present writ petition has been filed for redressal of three grievances, namely, statutory compensation for deficiencies of service in electricity should be paid; bills in the shape of long strips should be stopped; and meter cards should be provided.

4. At the very outset, this Court takes note that the petitioner had first approached the Consumer Forum under the Consumer Protection Act, 1986 in Complaint Case No. 79 of 2014. The



matter went up to the State Consumer Disputes Redressal Commission in Appeal No. 58 of 2015 and thereafter to the National Consumer Disputes Redressal Commission in Revision Petition No. 2726 of 2015. Instead of raising the matter further before the Hon'ble Supreme Court, the petitioner initiated a second round of litigation by way of filing a writ petition bearing CWJC No. 18426 of 2016. After noticing the first round of litigation, this Court disposed of the writ petition vide judgment dated 12.01.2017 in the following terms –

“The pleadings herein, confirm that a second round litigation is being initiated by the petitioner through the present writ petition for seeking statutory compensation for deficiency of service. In my opinion, the petitioner having taken recourse to the remedy provided under the Consumer Protection Act and the statutory forum constituted thereunder, who have not found the claim suitable for awarding compensation which order of the consumer forum has been affirmed until National Consumer Disputes Redressal Commission, the petitioner if so aggrieved, may have a remedy before the Supreme Court by way of appeal under Section 23 of the Act but certainly a second round litigation by way of the present writ petition is held not maintainable.

The writ petition is accordingly disposed of.”

5. Rather than taking a cue from the observations made in the judgment of this Court as aforesaid, the petitioner abandoned the



matter and raised a third round of dispute before the Consumer Grievance Redressal Forum, Muzaffarpur in Complaint No. 04 of 2017 and thereafter before the Electricity Ombudsman vide representation No. 01/2017. After discussion of the relevant facts, the Electricity Ombudsman held the representation to be not maintainable and dismissed the same as such. The present writ petition has been filed against this order of the Electricity Ombudsman .

6. A perusal of the order of the Electricity Ombudsman dated 30.06.2017 discloses that all the three grievances were urged before him but the petitioner's representation was found to be not maintainable. The claim of the petitioner on the issue of payment of statutory compensation has already been considered and decided earlier, and in view of the observations of this Court in CWJC No. 18426 of 2016 as noticed above, the instant writ petition is held to be not maintainable in this regard. As concerns the remaining two claims, namely with respect to non-issuance of bills in proper format and for issuance of meter cards, the petitioner has not brought any material on record to show that these claims were ever raised at any time prior to being raised before the Electricity Ombudsman, either before the concerned authority or before the Consumer Grievance Redressal Forum. More significantly, these issues could have been raised before this Court for consideration while disposing of the earlier writ petition in CWJC No. 18426 of 2016, and even if not raised, the same are not



barred by constructive res judicata. As a matter of fact, the writ petition is a rather skeletal and unstructured one without detailing the background facts of the case. The petitioner has appeared in person but does not seem to comprehend the niceties of the situation clearly. He completely resists and refuses not only to comply by removing as many as 14 defects pointed out by the stamp reporter, but also to engage any counsel as well as the idea of an amicus sought to be appointed by this Court. In these circumstances, therefore, this Court finds no reason to interfere in the matter.

7. Before parting with this judgment, it may be noted here that the petitioner in his letter dated 30.04.2018, while resisting the defects pointed out by the Stamp Reporter, has made acerbic remarks levelling accusations and imputations against the offices of this Court. Illustratively, a few excerpts from the said letter may be reproduced here –

“5) ... The report is not written by some educated law knowing person but by some bumpkin whose only aim was not to act as per laws but only harass the parties for some motive of malafide or illegal gain or just for mere misanthropic sadistic pleasure!!!!

6) I strongly resent the Illegal arm twisting by some clerks of PHC to remove the non existent defects. The clerks have not seen either the defects or my rebuttal/removal report. This foolish attempt by them is akin to protests by Rajputs of Rajasthan against Padmavat without having seen the film.

1 0) I decline to see the website & do anything according to it. I have lost faith in the authority or authenticity of the website. The clerks of PHC have made a joke of PHC web by making it like a slate of a school boy or like RAM of a computer. They write something at 9 am & change it or delete it at 10 AM.



11) I refuse to go to the bumpkin, ill mannered, ill educated SR to get insulted.

13) I will put to them following questions?

i) Why has the fraudster & cheating stamp reporter deleted all past entries from the webportal?

vi) Let the SR tell what is the ulterior motive of the Stamp Reporter to first say defect free & then say most of the defects unremoved? Is it for extracting money from the party? If not, is it for mere sadistic pleasure for harassing a near 80 year old, highly educated, high post retired, law knowing, law abiding citizen of the Sovereign Democratic Republic of India?

vii) This reminds me of the great maniac killer Adolf Hitler who used to get immense sadistic pleasure in seeing naked jewish men, women & children bleeding profusely from gunshot injuries. The more was the flow of blood, the louder was his laughter!!! "

8. If the petitioner had a grievance to air, he ought to have done so limiting himself within the boundaries of decent expression and decorum, rather than flailing about in an uncontrolled manner hardly befitting those who cross these hallowed portals seeking justice. A bare glance at the defects pointed out by the Stamp Reporter shows that these were justified though they have been ignored by this Court and the matter taken up for hearing on merits. This Court therefore deprecates the conduct of the petitioner in the strongest terms but exercises restraint having regard to his advanced age and refrains from initiating action against him. The petitioner is, however, warned that such opprobrious conduct on his part may not be condoned in future.

9. The writ petition stands dismissed with the above



observations. Let a copy of this judgment be sent to the petitioner at his residential address by registered post at the cost of the State.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	AFR
CAV DATE	N.A.
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Transmission Date	N.A.

