

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7334 of 2014**

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DHARMSHILA DEVI, wife of Rajendra Kumar Das, resident of N.H. – 31, Road, Dharmganj Chowk, Near Indira Takij, Ward No. 20, P.O. + P.S. + District - Kisanganj, (Bihar).

.... .... Petitioner

Versus

1. The Managing Director, North Bihar Power Distribution Company Ltd. Vidyut Bhawan Bailey Road, Patna.
2. The Secretary, Bihar State Power Holding Distribution Company Ltd. Bhawan Baily Road Patna.
3. The Executive Engineer, North Bihar Electric (Power) Distribution Company, Sub Division Kisanganj.
4. The S.D.O., North Bihar Electric (Power) Distribution Company Ltd. Kishanganj.
5. Hari Paddo Sah, son of Late Avinash Chandra Sah R/o Mohalla - Dharmganj Chawk, Ward No. 20, P.O. + P.S. + District - Kisanganj, (Bihar).

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Arvind Prasad Singh, Advocate

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

Mr. Vinod Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 30-03-2018**

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to re-connect the electric connection of the petitioner which has been disconnected by the respondents.

3. Learned counsel for the petitioner submits that pursuant to the application of the petitioner for electric connection (Annexure-1), she was granted the connection which, however, on the basis of a complaint by respondent no. 5, was disconnected. It is submitted that the petitioner is entitled to electric connection and the complaint was



filed by respondent no. 5 suppressing the fact of pendency of Title Suit No. 11 of 2009 in the court of the Subordinate Judge, Kishanganj. It is submitted that the petitioner had been living in the house of respondent no. 5 since 1990 and the electric connection was given to her on 19.11.2013 after depositing the cost of electric connection.

4. Learned counsel for the respondent-Power Distribution Company, on the other hand, relies on the counter affidavit to oppose the writ petition, submitting that the petitioner had merely deposited the amounts of Rs. 75/- and Rs. 400/- along with her application on 19.11.2013. However, the petitioner was not entitled to be granted an electric connection in view of Clause 4.13 of the Electric Supply Code which required production of some documents such as sale deed, lease deed etc. The petitioner has not furnished the requisite document and has been making claim over the premises in question merely on the basis of unregistered agreement of sale dated 04.06.2006. The respondent no. 5 has transferred the subject premises by registered sale deed to Manish Kasliwal, Vinita Kasliwal and Soniya Kasliwal and their names have also been also mutated in the records of the State of Bihar. The petitioner has not disclosed her status over the premises in question.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds the writ petition to be devoid of any merit. A copy of the counter affidavit has been served upon the petitioner as far back as on 22.12.2014 through her counsel but however no rejoinder to the same has been



filed. Hence, the facts stated in the counter affidavit must be taken as admitted. The petitioner has also not impleaded the persons who are said to have purchased the properties from respondent no. 5 by registered sale deed even after lapse of over three years. The main contention on behalf of the respondent-Power Company with regard to non-eligibility of the petitioner for electric connection in view of Clause 4.13 of the Electric Supply Code has thus not been denied.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/-

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