

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7200 of 2018

=====
Nirmala Devi, W/o Dilip Kumar, 110 Loha Ka Pul Paschim Kasba Krishna Bagh,
District- Patna.

.... Petitione

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director.
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Director.
3. The Electrical Executive Engineer, Patna, the South Bihar Power Distribution Company Limited, Patna.
4. The Assistant Electrical Engineer, Supply, Meena Bazaar, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Suraj Samdarshi
Mr. Indrajesh Kumar, Advocates.
For the SBPDCL : Mr. Vinay Kirti Singh, Sr. Advocate.
Mr. Akhileshwar Singh
Mr. Vijay Kumar Verma, Advocates.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-04-2018

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

2. The present writ petition has been filed for the
following reliefs -

*“(i) For a declaration that the inspection dated
27.03.2018, which has been carried out in utter violation
of the provisions of the Bihar Electricity Supply Code,
2007, as well as the circular issued by the erstwhile Bihar
State Electricity Board, itself is bad in law, unjust and
improper.*

*(ii) For a declaration that the meter which is capable of
reflecting each and every parameters including traces of*



tamper/bypass, case under Section 135 of the Electricity Act cannot be instituted without proper analysis of such data.

(iii) For a direction to the respondent authorities to download the data from the meter and provide the same to the consumer, so that, the consumer can file an effective objection under Section 126 of the Electricity Act, 2003.

(iv) For a declaration that in case where the consumer has undertaken to deposit the entire alleged loss, in instalments, before the Court of P.O. Special Court P.E.S.U. AREA, Patna and has started paying such instalment, continuance of disconnection is completely unjustified.

(v) For a direction to the respondent authorities to restore the electric supply of the petitioner during pendency of the proceeding under Section 126 and 127 of the Electricity Act; and for any other relief or reliefs to which the petitioner is found entitled."

3. At the outset, learned counsel for the petitioner submits that the disconnection of the electricity from the petitioner's premises is wholly arbitrary and illegal inasmuch as she has made payment of the first instalment amounting to Rs. 1,76,955/- on 04.04.2018 in accordance with the condition for grant of anticipatory bail by order dated 02.04.2018 in ABP No. 55/18, and payment of the next instalment out of 26 monthly instalments falls due on 03.05.2018.

4. Considering that the petitioner has already paid the first instalment in part satisfaction of the condition for grant of anticipatory bail and expresses that all future instalments would be similarly paid, there appears justification to direct the respondent



authorities to restore the electricity of the petitioner’s premises within 48 hours hereof. It is made clear that in case the petitioner fails to make due payment of any instalment, the respondent-Power Company shall be at liberty to once again disconnect the electricity of the petitioner’s premises.

5. As regards the remaining reliefs sought by the petitioner, learned counsel fairly accepts that these are matters which may be raised at the appropriate stage before the authorities. More specifically the petitioner would be at liberty to request for supply of relevant data and documents, which shall be made available to the petitioner to enable filing of an effective objection for the purposes of Section 126 of the Electricity Act.

6. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.04.2018
Transmission Date	N.A.

