

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

**Civil Writ Jurisdiction Case No.11194 of 2018**

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Ashok Kumar Sah @ Ashok Kumar Saw S/o late Ramjee Sah Resident of  
Village- Purani Bazar, Rani Sati Mandir, Near Droliya Sindur Factory, Police  
Station Lakhisarai, District- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Department of Energy, Government of Bihar, Patna
2. The Managing Director, South Bihar Power Distribution, Co-Ltd, Bailey Road, Patna.
3. The Superintending, Engineer(Electricity), Distribution Circle, Munger.
4. The Electrical Executive Engineer, Electric Distribution Division, District- Lakhisarai.
5. The Assistant Electrical Engineer, Cum Assistant Officer, Electricity Distribution Sub- Division+District- Lakhisarai

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Kumar Jain,  
Mr. Amrendra Kumar, Advocates

For the Respondent/s : Mr. YOGENDRA PRASAD SINHA -AAG7

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

**ORAL JUDGMENT**

**Date: 04-07-2018**

The present writ petition has been filed for restoration of  
the electric connection of the petitioner bearing consumer no.  
101637510 and 100552106 relating to the rice mills of the petitioner;  
for the final assessment of the electricity dues amounts relating to the  
said connections under Section 126 of the Electricity Act (for short 'the  
Act'); and for appropriate corrections/reconsideration in the electricity  
bill relating to the said connections of the petitioner as per rules.



2. Learned counsel for the petitioner submits that pursuant to the provisional assessment made under Section 126 of the Electricity Act, he has filed a representation dated 28.02.2018 (Annexure-3) requesting for various documents concerning the inspection of the petitioner's two mills and in respect of subsequent actions. The request was reiterated by letter dated 08.03.2018 and yet again on 19.03.2018 (Annexure-4).

3. It is submitted that in absence of such documents the petitioner is unable to file a meaningful objection in terms of Section 126(3) of the Act. In any event, the petitioner expresses his willingness to pay 50% of the amount presently demanded at Rs. 4,45,208/- + Rs. 2,18,077/- = Rs. 6,63,285/- said to be the amount of loss caused to the respondent-power company resulting from alleged theft for the purpose of restoration of electricity pending final assessment.

4. Learned counsel for the respondent-power company submits that the representation of the petitioner for supply of the documents will be disposed of expeditiously and any document to be supplied will be supplied within a period of two weeks from today to enable the petitioner to file appropriate objections.

5. Having regard to the nature of the grievance of the petitioner and the stand of the respondents, this Court grants liberty



to the petitioner to approach the respondent-power company and make payment of 50% of the total aforesaid amount aggregating to Rs. 6,63,285/-. It is directed that in case such payment is made by the petitioner, the electricity shall be restored to the concerned premises within 48 hours thereof.

6. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

Chandran/BT

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| AFR/NAFR          | NAFR       |
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