

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17866 of 2017

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Zoya Plastic through its Proprietor, Md. Zahid, Son of Late Md. Shamim,
Resident of Mohalla Bela Industries Estate, P.O. Ramna, P.S. Bela, District-
Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Energy Department,
Government of Bihar, Patna.
2. The Bihar State Power Holding Company Limited through its Chairman-cum-
Managing Director, Vidyut Bhawan, Bailey Road, Patna.
3. The North Bihar Power Distribution Company Limited through its Managing
Director, Vidyut Bhawan, Bailey Road.
4. The Muzaffarpur Vidyut Vitran Limited, a Distribution Franchise of North
Bihar Power Distribution Company Limited, Power House Chowk, opposite
Circuit House, Manikpur, Muzaffarpur- 842003.
5. The Assessing Officer, Enforcement and Vigilance, Muzaffarpur Vidyut Vitran
Limited, Power House Chowk, Opposite Circuit House, Manikpur, Muzaffarpur -
842003.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Suraj Samdarshi, Advocate
For the NBPDC	:	Mr. Vinay Kirti Singh, Sr. Advocate. Mr. Akhileshwar Singh Mr. Vijay Kumar Verma, Advocates.
For the Resp. Nos. 4 &5	:	Mr. Binod Kumar Singh Ms. Vagisha Pragya V. Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-03-2018

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

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

*“(i) For quashing the assessment order dated 17.10.2017
issued by respondent no. 5, whereby and whereunder a
supplementary bill for past 41 months has been raised;*



- (ii) For a declaration that the disconnection notice issued in furtherance of the assessment made by the respondent no. 5 is bad in law both for want of authority and on account of being contrary to the statutory provisions contained in Electricity Act, 2003;*
- (iii) For a declaration that the assessment made for 41 months is contrary to the provisions contained in Section 56 of the Electricity Act, 2003 as such bad in law;*
- (iv) For a direction to the respondent authorities not to take any coercive step to disconnect the electric supply of the petitioner till final adjudication of the writ application for non-payment of the demand raised;*
- (v) For grant for any other relief/reliefs which the petitioner may be found deemed entitled to in the facts and circumstances of the case."*

3. At the very outset, this Court takes note that there is adequate remedy provided to the petitioner by way of an application which may be filed before the Forum under Section 42(5) of the Electricity Act, 2003 and thereafter by way of representation before the Ombudsman under Section 42(6) of the said Act instead of availing such remedy, the petitioner has instead rushed to this Court.

4. Learned counsel for the respondents also raises a preliminary objection to the effect that the impugned assessment order dated 17.10.2017 has not been annexed with the writ petition and thus the same is not maintainable.

5. Be that as it may, the writ petition is disposed of



granting liberty to the petitioner to approach the Forum constituted under Section 42(5) of the Electricity Act for redressal of his grievances including disconnection.

6. In such event the issue relating to disconnection be taken up on priority basis and disposed of expeditiously by the Forum.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.03.2018
Transmission Date	N.A.

