IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9358 of 2015

M/s Sabicon Estates Pvt. Ltd. ... Petitioner

Versus

The Ombudsman, Bihar State Electricity Regulatory Authority & Ors
... Respondents

Appearance :

For the Petitioner	: Mr. Ajay Kumar Sinha, Adv.
For Respondents 3 to 7	: M/S Anand Kumar Ojha & Ashok Kumar Karn, Advs.
For Respondent no. 8	: Raja Ram Mishra, Adv.
For Respondent no. 9	: Mrs. Archana Sinha, Sr. Standing Counsel, ITD with M/S Alok Kumar, Sanjeev Kumar & Shalini Bihari, Advs.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

8 14-03-2018 Heard the parties.

In this case the petitioner prays for quashing the order, dated 26.05.2015, (Annexure 4) by which Appeal No. 1 of 2015 has been allowed by the Ombudsman, respondent no. 1, and set aside the order, dated 06.01.2015, (Annexure 3) passed in Case No. 131 of 2014 by which claim of respondent no. 8 has been rejected by the Consumer Grievance Redressal Forum, respondent no. 2.

This petition is disposed off on the short point that the petitioner has obtained the order from the Ombudsman in appeal without impleading the present petitioner who is land lord/owner of the premises as well as the Income Tax Department, which has attached the property for realizing the amount and without giving the chance to give reply, the Ombudsman has passed the order in favour of respondent no. 8

on the plea taken by respondent no. 8 that the Income Tax Department has no objection to grant electricity to respondent no. 8. As it appears that respondent no. 8 is an old tenant has applied for separate electric connection on the ground of refusing to grant no objection certificate by the petitioner, he was not granted the electricity connection and he has approached to the Consumer Grievance Redressal Forum, South Bihar Power Distribution Company Limited, Vidyut BhAwan-II, Bailey Road, Patna, which rejected the petition of respondent no. 8 against which he approached the Ombudsman and the Ombudsman has accepted the plea of respondent no. 8 and has passed the order in his favour to give the electric power.

The grievance has been raised by the petitioner and the Income Tax Department that those orders are not sustainable in view of the fact that they were not made party.

In such view the order of the Ombudsman, dated 26.05.2015, is set aside the matter is remitted back to the Ombudsman to take a fresh decision with direction that petitioner and Income Tax Department would be added as respondents and after giving them hearing would take decision in accordance with law.

The order, dated 28.08.2015, passed in Misc. Case No. 27 of 2015 by the Bihar Electricity Regulatory Commission, Patna, is also set aside as it is a follow-up action of the order passed by the Ombudsman.

Accordingly, the petition is allowed, with aforesaid direction.

(Shivaji Pandey, J)

Shamshad/-

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