

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22367 of 2014

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M/s Power Grid Corporation Of India Ltd. A Company incorporated under the provisions of the Companies Act, having its registered office at Quatab Institutional Area, Katwaria Sarai, New Delhi- 110016, having one of its Grid at Kharhara, P.S. Barhat, District Banka, through its Chief Manager Sh. P.K. Singh , aged about 44 year , son of Sh. Mahadeo Prasad Singh , resident of Vill. Power Grid Corporation of India Ltd. , Kharhara , P.O. Kharhara, P.S. Barahat, District Banka.

.... Petitioner/s

Versus

1. The Bihar State Power (holding) Company Ltd. , 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 Managing Director .
3. The Electrical Executive Engineer, Electric Supply Division , Banka.
4. The State of Bihar, through the Principal Secretary , Energy Department , Government of Bihar , Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the State	:	Mr. Arun Kumar, Advocate
		Mr. Manoj Kumar, AC to GP-24
For Power Company	:	Mr. Anand Kumar Ojha, Advocate
		Mr. A.K. Karna, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 09-10-2018 The present writ petition has been filed for the following reliefs :-

“ (i) For quashing of the order dated 02.04.2014 issued by the respondent Electrical Executive Engineer in purported exercise of power conferred under Section 126 of the Electricity Act, 2003, treating the use of energy from the Grid for the substation and auxiliary consumption including housing colony for the operating staff by the



petitioner, as unauthorized use of energy.

(ii) For quashing of the order dated 31.05.2014 passed by the respondent Electrical Executive Engineer, purported to be the final assessment order under Section 126 of the Electricity Act, 2003, whereby and whereunder the provisional assessment order has been affirmed contrary to law.

(iii) For a declaration that the use of energy by the petitioner, which is a Central Transmission Utility, to undertake the statutory functions under Section 38 read with Section 2 (72) and (73) of the Electricity Act, 2003 and read with the Electricity (Removal of Difficulty) Seventh Order, 2005 is duly authorized the use of energy.

(iv) For a direction to the respondent authorities not to take any coercive step for realization of the demand as assessed under Section 126 of the Electricity Act, 2003 to the extent of Rs. 4,00,44,312/- or otherwise in regard to the use of energy by the petitioner from the Grid.

(v) For a direction to the respondent authorities, particularly the licensee South Bihar Power Distribution Company Limited not to disconnect the electric supply of the petitioner which may lead to power failure not only within the State of Bihar but also the adjoining regions.”



2. Learned counsel for all the parties agree that the issues involved in the present writ petition are similar to those of L.P.A. No.1717 of 2015 (The Bihar State Power (Holding) Company Limited & Ors. Vs. The State of Bihar and Ors.) and analogous cases, which are pending before a Division Bench of this Court.

3. Accordingly and with consent of the parties, the present writ petition is disposed of with the observation that the rights of the parties will be governed in terms of the decision of the Division Bench of this Court in the aforesaid L.P.A. No. 1717 of 2015 and analogous cases.

(Vikash Jain, J.)

N.H./- Chandran

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