

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24852 of 2013

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Ritesh Kumar Tarun Son Of Late Pawan Kumar Prasad Resident Of Bajrangbagh,
Post Office- Hilsa, Police Station- Hilsa, District- Nalanda

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd. Through Its Managing Director, Having Office At Vidyut Bhawan, Bailey Road Patna
2. The Executive Engineer, Electric Supply Division, Nalanda, Bihar Sharif, South Bihar Power Distribution Company Ltd. P.S.- Bihar Sharif, Distt. Nalanda
3. The Assistant Electrical Engineer, Electric Supply Sub Division, Bihta, South Bihar Power Distribution Company Ltd., P.S.- Bihta, Distt.- Patna
4. Nitesh Kumar Son Of Sri Ram Milan Singh Presently Posted As Junior Electrical Engineer, Hilsa, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate

For BSPHCL : Mr. Anand Kumar Ojha, Advocate

For the Respondent No.4 : Mr. Virendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2018

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

*“ i. To hold and declare that the petitioner is
not liable to pay any demand illegally raised
without any inspection and evidence against the
consumer for any unauthorized use of electricity.*

*ii. To restrain the authorities of the Power
Company from taking any coercive steps against
the petitioner as well as against the running
connection in the premises.*

iii. To hold that the officers are harassing



the innocent citizens in the name of achievement of target and they are indulged in abuse of their power by illegally lodging FIR without evidence and without any inspection.

iv. To hold and declare that by extending threat of arrest of the family members the authorities are taking signatures for using the same as evidence in gross violation of human right and fundamental right.”

2. On the submissions raised on behalf of the petitioner that the respondents had acted arbitrarily in submitting an inspection report alleging serious irregularities such as meter tampering and in respect of which F.I.R. was lodged without however carrying out any inspection of the house, this Court, by order dated 18.12.2013, directed for filing of a report after enquiry by the Managing Director of the Power Company.

3. Pursuant to such direction, a counter affidavit has been filed on behalf of the respondent- Power Company, inter alia, enclosing therewith a report of enquiry conducted jointly by the Director (Operation) and CE(Com) dated 29.06.2015 (Annexure-C/1). The narrative of the attending facts and circumstances, prima facie, include the reasons for delay in institution of the F.I.R., the entire incident being captured under videography showing the petitioner to be present at the time of inspection, a provisional



assessment order having been passed on 25.11.2013 itself.

4. The facts stated in the counter affidavit dated 29.06.2015 have not been controverted nor disputed and no rejoinder has been filed.

5. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

N.H./- Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.11.2018
Transmission Date	N/A

