

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10224 of 2013

=====

1. The South Bihar Power Distribution Company Limited Through Its Managing Director (Formerly Known As Bihar State Electricity Board), Vidyut Bhawan, Bailey Road, Patna
2. The Electrical Executive Engineer Electric Supply Division, Fatuha
3. The Assistant Electrical Engineer Electric Supply Sub-Division, Didarganj, Patna

.... Petitioners

Versus

1. The State of Bihar through Energy Secretary Energy Deptt., Patna
2. The Appellate Authority Cum Electrical Inspector Electrical Inspectorate, South Bailey Road, Patna
3. M/S Jyoti Moulders Private Limited, Birla Mandir Road, Patna through its Director, Mr. Vikram Banka, S/O Sri Prakash Chandra Banka, Mohammadpur, Kothia, Didarganj, P.S.- Didarganj, District- Patna

.... Respondents

=====

Appearance :

For the Petitioners	:	Mr. Vinay Kirti Singh, Sr. Advocate. Mr. Vijay Kumar Verma Mr. Akhileshwar Singh, Advocate.
For the Respondents	:	Mr. Suraj Samdarshi, Advocate. Mr. A. Ujjawal, SC-25

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2018

The present writ petition has been filed for quashing the order dated 23.08.2012 passed by the learned Appellate Authority cum Electrical Inspector, Bihar, Patna in Appeal No. 10 of 2011-12 by which the learned appellate authority (respondent no. 2) allowed the appeal and has directed the petitioner no. 2, the Assessing Officer to revise the final assessment order dated 11.07.2011 taking D-Factor of Annexure-7 of the Supply Code 2007 as 40 days instead of 365 days.



2. At the very outset, learned counsel for the parties agree that the notification by which the Special Court has been constituted for Patna Division is restricted only to the PESU area and does not have jurisdiction in relation to the premises of respondent no. 3. In such a situation, Rule-11 of the Electricity Rules, 2005 provides as follows -

“11. Jurisdiction of the Courts.- The jurisdiction of Courts other than the special Courts shall not be barred under sub-Section (1) of section 154 till such time the special Court is constituted under sub-section (1) of section 153 of the Act.”

3. In the above view of the matter, it is submitted that the impugned order dated 23.08.2012 passed by the Appellate Authority-cum-Electrical Inspector, Bihar, Patna in Appeal No. 10 of 2011-12 can be challenged appropriately before the Civil Courts in accordance with law.

4. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.09.2018
Transmission Date	N.A.

