

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6016 of 2015

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Md. Anis. Son of Late Kitab Hussian. Proprietor M/S Royal Ice Plant, Bindusar,
Rajeev Nagar, P.O.- Rajeev Nagar, P.S.- Mahadeva [O.P.], District - Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Energy, Bihar, Patna.
3. The Chairman-cum-Managing Director, Bihar State Power Holding Company,
Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, North Bihar Power Distribution Company Ltd.,
Vidyut Bhawan, Bailey Road, Patna.
5. The Electrical Superintending Engineer, Saran, Chapra.
6. The Electrical Executive Engineer, Siwan.
7. The Assistant Electrical Engineer, Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumit Kumar, Advocate.

For the Respondents : Mr. Vinay Kirti Singh, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

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

*“(i) To issue writ in the nature of mandamus commanding
the respondents to quash the order of assessment vide letter
bearing no. 669 dated 22.04.2013 issued under the
signature of the Electrical Executive Engineer i.e.
respondent no. 5 whereby and whereunder a penalty of Rs.
10,97,868/- (Rupees Ten Lac Ninety Seven Thousand Eight
Hundred Sixty Eight) has been imposed on petitioner.*

(ii) To issue appropriate writ/order/direction to resume



electric connection of industrial unit of petitioner forthwith without any delay.

(iii) To issue any other reliefs the petitioner may be found legally entitled."

3. At the very outset, learned counsel for the respondent-Power Company raises a preliminary objection, referring to paragraph-8 of the counter affidavit to point out that the petitioner did not avail the statutory remedy by way of filing an appeal under Section 127 of the Electricity Act, 2003 before the Appellate Authority against the final assessment made. On the other hand, the petitioner preferred a Complaint Case No. 167 of 2013 before the District Consumer Forum, Siwan. However, this fact has been suppressed by the petitioner and in fact even without awaiting the verdict of the District Consumer Forum, the petitioner has filed the present writ petition.

4. Despite a copy of the said counter affidavit having been served on the petitioner as far back as on 22.08.2016, no rejoinder to the same has been filed.

5. In the above circumstances and in view of the specific statement made in paragraph-8 of the counter affidavit which has not been controverted even after lapse of more than one and half years, such statement must be treated as admitted by the petitioner. Considering pendency of the Complaint Case No. 167 of 2013 before the District Consumer Forum, Siwan and more significantly the suppression of such fact by the petitioner, this Court is not inclined to



grant relief to the petitioner.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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