

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19397 of 2017

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Shri Sanjay Kumar, Son of Shri Yadvendra Krishna Prasad Singh, Sitaram Bhavan, Vachaspati Nagar, Kumhrar, Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, 3rd Secretariat, Harding Road, Patna.
2. The South Bihar Power Distribution Company Limited, through its Chairman, Vidyut Bhavan, Bailey Road, Patna.
3. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager, Revenue, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The Electrical Executive Engineer, South Bihar Power Distribution Company Limited, Electricity Supply Division, Gaya Ghat, Gulzarbagh, near Kumhrar Railway Crossing, Patna.
6. Assistant Electrical Engineer, Revenue, South Bihar Power Distribution Company Limited, Gulzarbagh division, Near Kumhrar Railway Crossing, Patna.
7. The Sub Divisional Officer, Revenue, South Bihar Power Distribution Company Limited, Electricity Supply Division, Gaya Ghat, Gulzarbagh, near Kumhrar Railway Crossing, Patna.
8. The Junior Engineer, South Bihar Power Distribution Company Limited, Electricity Supply Division, Gulzarbagh, Near Kumhrar Railway Crossing, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Nishant Kumar, Mr. Shashank Chandra, Advocates
For the State	:	Mr. Ranjay Kr. Verma, AC to SC6
For Power Company	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Ahileshwar Singh, Mr. Vijay Kr. Verma, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-04-2018

The present writ petition has been filed for quashing the order contained in letter no. 1720, dated 14.10.2017 passed by the Respondent No. 6, and also for quashing the letter dated 14.10.2017 passed by the Respondent No. 8; and to reinstate power supply of the dwelling house of the petitioner with immediate effect.



I.A. No. 2032 of 2018

2. The interlocutory application has been filed with the prayer for amendment of the relevant portion of the prayer in the writ petition by adding the following prayer –

“1A. That the petitioner also prays for quashing the order dated 20.01.2018 passed by the Learned CGRF in entirety, whereby and wherein the Petitioner has been held liable to pay the electricity charges under the bills raised by the Respondents, and wherein the Learned CGRF has dismissed the complaint of the Petitioner, without considering the pleadings of the Petitioner in light of concerned legal provisions.”

3. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition.

CWJC No.19397 of 2017

4. Learned counsel for the petitioner submits that disconnection of electric connection of the residential premises of the petitioner is wholly arbitrary. In any event, the petitioner, while filing a complaint before the CGRF, duly made payment of Rs. 3500/- under protest by way of average consumption of power in the past six months in compliance of the proviso to Section 56(1) of the Electricity Act, 2003 to avoid disconnection but however, the same has not even been considered by the CGRF and electricity was disconnected during the pendency of the dispute before CGRF.



5. Learned counsel for the respondent-Power Company appears and has been heard.

6. Having regard to the nature of the grievance of the petitioner, this Court is of the view that the petitioner ought to have raised his grievances before the Ombudsman in terms of Section 42(6) of the Electricity Act for redressal of the grievances. In case the petitioner files an appropriate representation before the Ombudsman, the same shall be considered and disposed of in accordance with law expeditiously. In the meantime, considering that the petitioner has complied with the provisions of proviso to Section 56(1) of the Electricity Act, it will be open to the petitioner to raise the issue relating to restoration of the electricity before the Ombudsman which shall be decided on its own merits and in accordance with law.

7. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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