

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13282 of 2014

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1. The Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Patna.
 2. The Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, Patna.
 3. The General Manager-cum-Chief Engineer, Koshi Electric Supply Area, Saharsa.
 4. The Electrical Superintending Engineer, Electric Supply Circle, Purnea.
 5. The Electrical Executive Engineer Electric Supply Division, Purnea.
 6. The Asstt. Electrical Engineer Electric Supply Sub-Division, Purnea.
 7. The Electrical Executive Engineer (C & R) Electric Supply Circle, Purnea.

.... Petitioner/s

Versus

1. The Consumer Grievance Redressal Forum at Purnea through its Chairperson Sri Gangadhar Prasad.
2. The Bihar State Regulatory Commission through Secretary, Vidyut Bhawan Building No. 2 Bailey Road, Patna.
3. The Secretary, Bihar State Regulatory Commission Vidyut Bhawan II Bailey Road, Patna.
4. M/S Maha Laxmi Paper Industries Pvt. Ltd @ M/S Maha Lakshmi Paper Mills, Garh Banaili, Purnea District Purnea through its Director Shri Dilip Kumar Gupta.
5. Sri Dilip Kumar Gupta Director, M/S Mahalaxmi Industries Pvt. Ltd. Ramraj Chowk. Gulabbagh, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Kirti Singh, Senior Advocate Mr. Vijay Kumar Verma, Advocate Mr. Akhileshwar Singh, Advocate
For the Respondent/s	:	Mr. Yugal Kishore, Senior Advocate Mr. Ram Krishna Sahay, Advocate Mr. Virendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-09-2018

Heard learned counsel for the parties.

2. The present writ petition has been filed for quashing of the order dated 05.02.2014 passed by the Respondent No.1, the



Consumer Grievance Redressal Forum, Purnea.

3. Learned Senior counsel Mr. Vinay Kirti Singh submits that the impugned order dated 05.02.2014 passed by the C.G.R.F. in Case No. 21 of 2013 (Annexure-1) is wholly without jurisdiction inasmuch as the order dated 21.12.2012 passed by the General Manager-Cum-Chief Engineer was final as he was the Arbitrator under Clause- 13 of the H.T. Agreement.

4. Learned counsel appearing on behalf of the respondent nos. 4 and 5 refers to the counter affidavit, inter alia, enclosing the copy of the relevant orders passed by the General Manager-Cum-Chief Engineer, respondent no. 3 by which the claim of the said respondents had been disposed of as per Bihar Gazette Notification No. 810 dated 29.07.1994 and the revised energy bill had been directed to be served on the consumer. It is submitted that by the impugned order, the C.G.R.F. has merely directed for implementation of the order of the respondent no. 3.

5. Having regard to the stand of the parties, it would appear that the order passed by the respondent no.3 was final inasmuch as he was the Arbitrator in terms of the H.T. Agreement. It has been submitted that the respondents were constrained to approach the C.G.R.F. in view of the erroneous noting in the energy bill issued on 18.04.2013 to the effect that the claim of the petitioner had been



rejected by the respondent no.3.

6. The petitioner submits that the energy bill dated 18.04.2013 (Annexure-A to the counter affidavit) may be treated as withdrawn and fresh energy bill would be issued in the light of the judgment dated 13.05.2016 passed by the Division Bench of this Court in **Jai Mangla Steels Pvt. Ltd. vs. Bihar State Electricity Board and others**, reported in **C.W.J.C. No.5614 of 1999**, to which the respondent nos.4 and 5 have no objection.

7. The said respondents have also no objection if the impugned order of the C.G.R.F. is set aside.

8. In above view of the matter, the writ petition stands disposed of, setting aside the impugned order dated 05.02.2014 passed by the C.G.R.F. (Annexure-1). Inasmuch as the energy bill dated 18.04.2013 stands withdrawn by the petitioners, liberty is granted to them to issue fresh energy bill in the light of the judgment in **Jai Mangla's case (supra)**.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22-09-2018
Transmission Date	N/A

