

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6160 of 2014

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Gopal Prasad Singh, Son Of Late Chandeshwar Prasad Singh resident of
Mohalla - Refugee Colony, Ward No. 5, P.O. and P.S. Saharsa, District - Saharsa
..... Petitioner

Versus

1. Bihar State Electricity Board, Patna through Its Chairman, Vidyut Bhavan,
Patna
2. The Chairman, Bihar State Electricity Board, Vidyut Bhavan, Patna
3. The Junior Electrical Engineer, Electric Supply Division (West), Saharsa
Town, Saharsa
4. The Assistant Electrical Engineer, Electric Supply Division (West), Saharsa
Town, Saharsa

..... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Sanjay Kumar Giri,
Mr. Pratyush Pratap Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-09-2018

The present writ petition has been filed for the following

reliefs –

“(i) For issuance of a writ in the nature of a writ of certiorari setting aside and quashing the punitive bill dated 17.01.2014 raised pursuant to FIR lodging by the Junior Electrical Engineer, Electric supply Division (West), Saharsa dated 26.12.2013 and every other consequential developments and actions pursuant to the said punitive bill and FIR.

(ii) For issuance of a writ in the nature of a writ of mandamus directing and commanding the respondents to refund the payment made by the petitioner pursuant to the punitive bill which was



forcibly obtained by the Board under the threat of disconnection.

(iii) For a direction to the Respondent Board to not to take any further coercive action against the petitioner pursuant to the punitive bill.

(iv) For a declaration that the very basis of the punitive bill and lodging of FIR is an abuse to the criminal jurisprudence.

(v) For appropriate order(s), writ(s), direction(s) as this Court may deem fit and proper in the facts and circumstances of this case.”

2. None appears on behalf of the petitioner despite calls being repeated after an interval.

3. Learned senior counsel for the respondent-Board refers to the counter affidavit to oppose the writ petition, submitting that the punitive bill of Rs. 2,84,185/- has been paid by the petitioner on 17.1.2014 (Annexure-4) but as stated in paragraph 11 of the counter affidavit, the petitioner did not file any objection against the provisional assessment.

4. Having heard learned counsel for the respondents and on careful consideration of the materials available on record, this Court finds the writ petition to be devoid of merit. A specific stand has been taken in the counter affidavit that no objection was filed by the petitioner against the provisional assessment as contemplated under



Section 126(3) of the Electricity Act, 2003 which was available to the petitioner by way of statutory remedy.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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