

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17583 of 2014

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Nabi Hasan, son of ali Hasan, resident of village- Hathaudi Tola Mahuwal, Post-Badram, P.S.- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Chairman, North Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna, Government of Bihar.
3. The M.D., North Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna, Government of Bihar.
4. The Chief Engineer, North Bihar Power Distribution Company Limited, Government of Bihar.
5. The Electrical Executive Engineer, Electric Supply Division, Siwan.
6. The Assistant Electrical Engineer, Electric Supply Division, Siwan.
7. The Junio Electrical Engineer, Electric Supply Division, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Vinay Kirti Singh, Senior Advocate

Mr. Vijay Kumar, Advocate

Mr. Akhileshwar Singh, Advocate

For the State : Mr. Kumar Mangalam, AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-11-2018

As none appeared on behalf of the petitioner, the matter was passed over for a few cases. However, on repeated call, the petitioner was again not represented.

2. The present writ petition has been filed for quashing assessment order of R. 11,98,716=00 relating to the inspection conducted on 11.07.2014 at Welcome Industries, situated at the premises of Pratik Hero Agency Vidhyuti Hata, Siwan with regard to suspected theft of electricity, by which Rs. 11,98,716=00 (assessment



of amount of theft of Electricity) has been assessed by the respondents against the petitioner.

3. A perusal of the averments in the writ petition discloses that the main grievance of the petitioner is based on the claim that the electricity connection was in the name of previous owner of Welcome Industries but when the petitioner purchased the said Welcome Industries, there was no electricity connection. The petitioner had yet to apply for any electricity connection for production but in the meantime, inspection was carried out. It is the case of the petitioner that he had no knowledge about theft of electricity and as such he is not liable for payment of the amount assessed. A representation is said to have been filed before the concerned authority on 25.08.2014 but no action was taken thereon.

4. Mr. Vinay Kirti Singh, learned senior counsel appearing on behalf of the respondent – Power Company opposes the writ petition and invites reference to the counter affidavit stating that a copy of the inspection report was given to the petitioner's representative but no objection thereto was filed. Moreover, the electricity connection was in the name of Welcome Industries which was run by the petitioner and the electric connection had been found to be used, thereby falsifying the claim of the petitioner.

5. Having heard learned counsel for the respondents



and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The stand of the petitioner that after purchasing of Welcome Industries, he has yet to apply for electricity connection has been specifically controverted by stating that the electric connection to Welcome Industries was found to be used and as such the assessment has rightly been made. The stand of the respondents has not been disputed and no rejoinder to the counter affidavit has been filed.

6. The writ petition is accordingly dismissed.

(Vikash Jain, J)

N.H./- Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05-11-2018
Transmission Date	N/A

