

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5128 of 2015

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M/s Sanjay Plywood Industries, a Proprietorship Firm, Singhia Chauk,
Bahaduranj Road, Kishanganj-855107, through its Proprietor, Sanjay Kumar
Jain, son of Trilok Chandra Jain, resident of Singhia Chauk, Bahadurganj
Road, P.S. Kishanganj, District Kishanganj.

... .. Petitioner

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Chairman-cum-Managing Director.
2. The North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Director.
3. The Electrical Superintending Engineer, Purnea, the North Bihar Power Distribution Company Limited, Purnea.
4. The Electrical Executive Engineer, Electric Supply Division, Kishanganj, North Bihar Power Distribution Company Limited, Kishanganj.
5. The Assistant Electrical Engineer, Electric Supply Division, Kishanganj, North Bihar Power Distribution Company Limited, Kishanganj.
6. The Junior Electrical Engineer, Electric Supply Division, Kishanganj, North Bihar Power Distribution Company Limited, Kishanganj.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Suraj Samdarshi, Advocate
For the Respondents	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma,
		Mr. Akhileshwar Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 22-11-2018

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

“(i) For a direction to the respondent authorities to
disconnect the electric supply of the petitioner with effect
from 26.07.2014.

*(ii) For a declaration that the respondent authorities cannot
refuse to disconnect the electric supply of the petitioner for a
pending dispute.*

*(iii) For a declaration that a disputed amount rising out of a
demand under Section 126 of the Electricity Act, 2003
cannot be incorporated in regular energy bills till such*



amount attains finality in a proceeding under Section 126 and 127 of the Electricity Act, 2003.

(iv) For a declaration that the energy bills served after 15.8.2013 are illegal, arbitrary and contrary to the law laid down by this Hon'ble Court.

(v) For a declaration that the respondent authorities cannot deny the benefit of exemption for which the petitioner is otherwise entitled to.

(vi) For a declaration to the respondent authorities to revise the energy bill on the basis of actual consumption; and for any other relief or reliefs to which the petitioner is found entitled."

2. At the very outset, learned counsel for the petitioner states that it has now come on record in terms of the counter affidavit filed by the respondents before this Court on 26.09.2018 that the final assessment order has been passed on 07.03.2015 (Annexure-A) and that the disconnection has been effected on 31.08.2016. It is further stated that the petitioner's application for permanent disconnection has finally been acted upon by the respondents and that the electric supply of the petitioner has been disconnected on 31.08.2016.

3. In the above view of the matter, he fairly accepts that the remedy by way of appeal against the final assessment order would be available to the petitioner and the writ petition need not be pressed on merits.

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



5. Having regard to the aforesaid stand of the petitioner, the writ petition stands disposed of with liberty to the petitioner to prefer appeal against the final assessment order dated 07.03.2015 (Annexure-A) in accordance with law.

BT/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.11.2018
Transmission Date	N.A

