

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6253 of 2015

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Braj Shankar Son of Sri Chaturbhuj Prasad House No. NY- 103 New yarpur,
P.S.- gardanibagh, District- Patna.

.... Petitioner

Versus

1. The Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna through its Chairman
2. The General Manager-Cum-Chief Engineer, PESU Area, Mangles Road, Patna.
3. The Managing Director, South Bihar Power Distribution Company Ltd. Patna
4. The Assistant Electrical Engineer MRT-IT, Patna.
5. The Assistant Electrical Engineer Electrical Supply Sub Division Gardanibagh, Patna.
6. The Junior Engineer Electrical Supply Sub Division Gardanibagh, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. B. Kumar Mr. Dilip Kumar Mr. Swami Parth Sarthy, Advocates.
For the Respondents	:	Mr. Anand Kumar Jha, Mr. Ashok umar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 09-10-2018

I.A. No. 7780 of 2018

This interlocutory application has been filed for addition of relief in paragraph-1 of the writ petition by adding the following prayer-

“ The respondent authorities be directed to implement the statutory appellate order passed under Section 127 of the Electricity Act, 2003 dated 26.10.2016 passed in Electricity Appeal No. 7/2015 (Annexure-7).

2. 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.

C.W.J.C. No. 6253 of 2015



3. The main writ petition has been filed for the following reliefs –

“(i) For quashing of the inspection report dated 16.03.2015 whereby and whereunder the inspecting team had observed that the petitioner was drawing electrical energy by of 8.94 k.w. after breaking all seal and tempering it.

(ii) For a declaration that the respondent Board or any of its officers cannot dismantle the meter at the premises for the purpose of testing, as the same would take away the remedy provided by the Electricity Supply Code, 2007 under Clause 8.14 wherein testing of meter at an independent lab is envisaged.

(iii) For a declaration that Section 135 of the Electricity Act, 2003 cannot be resorted to in case of regular consumers drawing electrical energy through a meter without proper testing and corroborative evidence apart from allegation.

(iv) For a declaration that the allegation of the respondent authorities so far as it relates to interpretation of Section 135 of the Electricity Act, 2003 is concerned, is without jurisdiction and contrary to the provisions of Electricity Supply Code, 2007.

(v) For a declaration to the respondent authorities not to enforce the penal bill against the petitioner, calculated on the formula of $L \times F \times D \times H$, as the allegation against the petitioner is with respect to low load.

(vi) For a direction to the respondent authorities to restore the electric supply to the petitioner forthwith as the disconnection is wholly illegal and unauthorized under law.

(vii) For a declaration that the petitioner cannot be arbitrarily penalized particularly, when in course of monthly meter reading all the parameters of the meter is being reflected and is correct.



(viii) For any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

4. At the outset itself, learned counsel for the petitioner invites reference to the order dated 26.10.2016 disposing of the petitioner’s Electricity Appeal Case No. 07 of 2015 during the pendency of the writ petition, remanding the matter with observations and directions for revising the assessment.

5. Learned counsel for the respondents- Power Company appears.

6. Having regard to the submissions made on behalf of the petitioner as well as considering that the appellate authority has already disposed of the petitioner’s appeal with certain observations and directions, no further orders are required to be passed. It is expected that the respondent authorities shall comply and give effect to the appellate order if the same has attained finality, expeditiously and without undue delay.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.10.2018
Transmission Date	N.A.

