

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7313 of 2015

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Smt. Ranju Kumari wife of Padmakar Kumar Verma, resident of village-
Vanvarsha, Post Office and Police Station- Haweli Kharagpur, District- Munger

.... Petitioner

Versus

1. The South Bihar Power Distribution Company Limited, through its Managing Director, Patna
2. The Member, South Bihar Power Distribution Company Limited, Consumer Grievance Reddresal Forum Electricity Building- 2, Patna
3. The Electrical Executive Engineer, Electric Supply Division, Munger
4. The Electrical Assistant Engineer Revenue, Munger, Electric Supply Section, Munger

.... Respondents

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Appearance :

For the Petitioner : Mr. Pradhan Murli Manohar Prasad, Adv.
For the Company : Mr. Vinay Kirti Singh, Sr. Advocate.
Mr. Vijay Kumar Verma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-11-2018

The present writ petition has been filed for quashing the order dated 28.07.2014 passed by Consumer Grievance Redressal Forum, SBPDCL, Vidyut Bhavan-II, Patna as well as the order dated 30.03.2015 passed by the Electricity Ombudsman Bihar Electricity Regulation Commission, Vidyut Bhavan-II, Patna in Appeal Case No. 13/14.

2. Learned counsel for the petitioner submits that the impugned orders have arbitrarily been passed without appreciating that the other persons of the locality have been treated as



Rural Consumers whereas the petitioner has been treated as an Urban Consumer even though all of them have been supplied electricity from the same feeder.

3. Learned counsel for the respondent-Power Company opposes the writ petition, submitting that the CGRF as well as the Electricity Ombudsman have uniformly held that the petitioner's residence situated within the jurisdiction of Kharagpur Sub-Division and Municipality. She has been getting electricity from that Chowk Kharagpur Transformer, which is situated at town feeder. It transpires from the order of the Electricity Ombudsman that the petitioner did not controvert this fact nor brought on record any document to show that her residential premises were located in the Rural area. Similar stand has been taken in the counter affidavit on the basis of which it is submitted that the petitioner is liable to pay electricity charge according to D.S. II Tariff applicable for Urban area.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. Whether or not the petitioner falls within the Urban area is a question of fact and it has been found that the petitioner's residence was situated within the Urban area and she was being supplied electricity from the town feeder. It had also been stated that the petitioner did not bring on record any document to establish her claim that she was



in the Rural area.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

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