

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1293 of 2018

In

Civil Writ Jurisdiction Case No.5911 of 2018

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Mahesh Kumar Agrawal Son of Late Shri Krishna Chand Agrawal, Resident
of near HP Petrol Pump. Madhopur, PO and PS, Bakhtiyarpur, District Patna.

... .. Appellant/s

Versus

1. The South Bihar Power Distribution Company Limited, through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Managing Director, South Bihar Power Distribution Company Limited, Bidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, Bidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Circle, Barh, Patna.
5. The Assistant Electrical Engineer, Electricity Supply Subdivision, Bakhriyarpur, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gautam Kumar Kejriwal, Advocate
Mr. Atal Bihari Pandey, Advocate
Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-11-2018



After the matter was heard at length, learned counsel for the appellant Shri Gautam Kumar Kejriwal submits that the appellant may be permitted to avail of the alternative remedy before the Ombudsman.

2. Learned counsel for the respondent-Electricity Department Shri Anand Kumar Ojha has no objection to the same, provided it is entertained in accordance with law.

3. Learned counsel for the appellant submits that the findings as recorded in Paragraph 7 of the impugned judgment may be an impediment on the issues raised and, therefore, the appellant may be permitted to raise all such possible issues that are available to him in fact and in law.

4. We, therefore, dispose of this appeal with liberty to the appellant to approach the Ombudsman in terms of Section 42(7) of the Electricity Act, 2003 and in the event the appellant approaches the said authority within a period of 10 days from today then his appeal under the aforesaid provision shall not be rejected on the ground of limitation and shall be disposed of on merits for which the findings recorded in Paragraph 7 of the impugned judgment shall not be an impediment. The Ombudsman shall dispose of the matter expeditiously, preferably within two months of the date of the presentation of



the appeal. It shall be open to the Electricity Department to expedite recovery proceedings against the tenant-consumer.

5. This Letters Patent Appeal stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-R.S.Sen

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CAV DATE	
Uploading Date	28.11.2018
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