

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15120 of 2014

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Banshi Lal Singh Son of Jalim Singh, resident of Village- Lawa Bigha Bypass
Road, P.O. & P.S.- Aurangabad, District- Aurangabad

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company through its Managing Director, Vidyut Bhawan- II, Bailey Road, Patna
2. The Electrical Executive Engineer, Electric Supply Division, Aurangabad
3. The Electrical Assistant Engineer, Revenue, Aurangabad, Electric Supply Section, Aurangabad

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Mani Bhushan Kumar, Adv
For the Respondent/s : Mr. Anand K. Ojha, SC BSPHCL
Mr. Ashok K. Karua, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-09-2018

The present writ petition has been filed for quashing the order dated 31.07.2014 passed by the Electricity Ombudsman in Appeal Case No. 3 of 2014 by which the Ombudsman has confirmed the order dated 09.01.2013 in Case No. 05/2013 by the Consumer Grievance Redressal Forum (CGRF).

2. Learned counsel for the petitioner submits that the CGRF as well as the Ombudsman have arbitrarily passed orders dismissing the case of the petitioner. As a matter of fact, no electricity was consumed by the petitioner between February, 2004 and June, 2006. The electricity could not be supplied owing to widening of road in that area and electric pole etc. were removed for the purpose. It is thus stated in paragraphs 13 and 14 of the writ petition that wrong bill was served to the petitioner and further certificate



case no. 32/2009-10 for recovery of Rs. 23, 527.16 was initiated. It has also been submitted that the CGRF and the Ombudsman ought to have looked into the ledger and appreciated all entries therein in their proper perspective.

3. Learned counsel for the respondent-power company opposes the writ petition and submits that the order of the CGRF and the Ombudsman have been passed upon detailed deliberation of the matter and require no interference.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. A bare perusal of the order of the CGRF discloses that the same has been passed after due consideration of the attendant facts and circumstances in considerable detail. It also transpires that the ledger/chart has been looked into and considered by the CGRF. The shifting stand of the petitioner has been taken note of as earlier it was stated that no electricity was supplied in view of removal of electric pole at the time of construction of road whereas subsequently the stand was changed to the plea that the transformer was under maintenance. Other circumstances have also been adverted to such as another consumer Smt. Sudha Devi who was supplied electricity from the same transformer had paid her bill, as well as the fact that the petitioner himself had applied for enhancement of load in February, 2004 and for conversion of the connection into commercial connection.

5. The Ombudsman in turn has also looked into the matter at length and after a point-wise discussion, he has found that the order of the CGRF required no interference.



6. It is well settled that the scope of judicial review is to look into errors in the decision making process and not the correctness of the decision itself. In the present case, it transpires that the decision has been arrived at after considering the facts and circumstances and after hearing the petitioner. Moreover, the main issue raised by the petitioner relates to whether electricity was supplied to him or not between the period February, 2004 and June, 2006, which by its very nature would require investigation into facts and which exercise has already been done by the CGRF. This Court would not launch upon a fresh enquiry to adjudicate any disputed question of fact in its extra ordinary writ jurisdiction.

7. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran/BT

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