

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16322 of 2015

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Shivji Sah Son of Bir Bahadur Sah resident of village - Kolhua, Paigambarpur,
47, Old Motihari Road, District - Muzaffarpur

.... Petitioner/s

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 Managing Director
3. The Electrical Superintending Engineer, Electric Circle, Muzaffarpur
4. The Electrical Executive Engineer, Electric Circle, Muzaffarpur
5. The Assistant Electrical Engineer, M.R.T., Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-11-2018

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

- (i) For a direction that the inspection dated 25.01.2010 and all consequences acts pursuant thereto as being wholly illegal and arbitrary.
- (ii) For a direction to the respondent authorities to issue provisional assessment order under Section 126 of the Electricity Act, 2003 (hereinafter referred to as ‘the Act’) which has not been issued till date despite representation being made by the petitioner.
- (iii) For a declaration that retention of alleged amount of



loss by the respondent authorities without following the provisions of the Act as also the regulations framed thereunder, as being wholly illegal and arbitrary.

(iv) For a direction to the respondent authorities to refund the amount paid by the petitioner along with interest, as the respondent authorities have failed to issue provisional assessment order within the period prescribed by the Statute; and for any other relief or reliefs to which the petitioner is found entitled.

2. Without going into the detailed merits of the matter and as consented to by the parties, the writ petition is disposed of with a direction to the respondent-authorities to ensure that a copy of the provisional assessment order passed against the petitioner is served upon the petitioner expeditiously to enable the petitioner to file his objections thereto.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2018
Transmission Date	NA

