

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15693 of 2018

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1. Hotel Samrat International, Fraser Road Patna, through its Manager, Manoj Kumar Singh Son of Raghunath Singh Resident of Village- Pakauli, P.O. & P.S. Punpun, District- Patna.

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Chief Engineer(Commercial), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager(Revenue), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Superintending Engineer, Patna Electric Supply Circle, PESU (West), South Bihar Power Distribution Company Limited, Patna.
5. The Electrical Executive Engineer, Electric Supply Division, Dak Bungalow, South Bihar Power Distribution Company Limited, Patna.
6. The Electrical Executive Engineer (H.T.), Commercial & Revenue, South Bihar Power Distribution Company Limited, Patna.

.... 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 JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 24-08-2018

Heard the learned counsel, Mr. Suraj Samdarshi, for the petitioner and learned counsel appearing on behalf of the respondent- South Bihar Power Distribution Company Ltd.

Petitioner in the present writ petition has sought quashing of the order dated 29.06.2018 passed by the Consumer Grievance Redressal Forum, South Bihar Power Distribution Company Ltd., Patna in Registered case No.26 of 2018 whereby the demand of bill dated 14.03.2018 which was supplementary bill issued on the premises of



the petitioner on the basis of average consumption during the period wherein the meter was alleged to have been defective and later removed, has been charged by the petitioner.

Petitioner submits that there is a provision for Appeal before the Electricity Ombudsman under Section 42(6) of the Electricity Act, 2003 but the office of the Electricity Ombudsman is non-functional. Learned counsel for the respondent-South Bihar Power Distribution Company Ltd. fairly submits that although the office of the Electricity Ombudsman is not functional but process for making the same functional has been initiated and it is expected that it will be made functional within a fortnight or 20 days.

The petitioner assures this Court that he is paying monthly consumption bills and will continue to pay the monthly consumption bill. The order dated 25.07.2018 issued as contained in Annexure-8 issued by the respondent No.3, General Manager (Revenue) for a supplementary bill amounting to Rs.9,31,022/- shall remain stayed till disposal of the appeal of the petitioner before the Electricity Ombudsman provided the petitioner does not default in payment of current monthly bills. The Electricity Ombudsman as soon as it becomes functional will decide the matter within the stipulated period of 30 days on the application filed by the petitioner within the time frame indicated hereinabove.



It is made clear that if the petitioner does not file his appeal within a week before the Electricity Ombudsmen being functional, the order of stay passed today would cease to exist.

(Nilu Agrawal, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28/08/2018
Transmission Date	NA

