

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20460 of 2014

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Kumar Amikar, Son of Late Sukhdeo Narain, Resident of Rajshree Bhawan,
Babunia Road, P.S. Siwan Town, District - Siwan.

.... Petitioner/s

Versus

1. The Chairman Power Distribution Company Ltd., Vidut Bhawan, Bailey Road, Patna.
2. The Managing Director, Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The Managing Director, North Bihar Power Distribution Company Limited.
4. The Superintending Engineer, North Power Distribution Company Limited, Chhapra.
5. The Executive Engineer, North Bihar Power Distribution Company Limited, Siwan.
6. The Sub Divisional Officer (Assistant Engineer), North Bihar Power Distribution Company Limited, Siwan.
7. The Junior Engineer, North Bihar Power Distribution Company Limited Company, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Senior Advocate
Mr. Vijay Kumar Verma, Advocate
Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 04-10-2018

The present writ petition has been filed for the
following reliefs :-

- “ (i) For refund of Rs. 11,660/- (Eleven thousand six hundred and sixty only) with penal interest @ 18% per annum since 12.11.2007 till date.
- (ii) For a compensation of Rs. 3 Lac what the petitioner suffered due to failure of his industry due to non supply of electricity and a jolt of his credit and



physical, mental and economic harassment and cost of litigation.”

2. The short facts of the case according to the petitioner are that he applied for 10 H.P. Industrial connection for ‘Kaka Poultry Farm’ on 09.10.2007 and despite completion of the requisite formalities, the connection was not granted even after entering into an agreement with the respondent- Power Company on 22.11.2007. Several reminders were given for electric connection both before the S.D.O. as well as the Executive Engineer upto April, 2010 without result, finally leading to the closure of the petitioner’s industry on 28.02.2011. Thereafter, repeated representations were made for refund of the deposit of Rs. 11,660/- and the required original receipt along with stamp of Rs. 2/- was duly deposited on 19.10.2011. The Superintending Engineer wrote to the petitioner on 06.04.2012 assuring that the petitioner’s money would be refunded upon availability of funds.

3. Learned counsel for the petitioner submits that despite completing all formalities for grant of electric connection and thereafter for refund of the deposit, the petitioner was neither granted the electric connection nor has the amount of deposit been refunded till date, for which the respondent- Power Company is liable to pay heavy compensation as well as interest for non-refund of the deposit.



4. Learned counsel for the respondent-Power Company resists the writ petition and relies on the counter affidavit. It is pointed out that the petitioner has approached this Court after inordinate delay in the year 2014. A stand has been taken in the counter affidavit that the petitioner failed to furnish the original money receipt of deposit along with Revenue Stamp of Rs. 2/- and hence, the deposited amount could not be refunded. In course of submissions, however, it was accepted that the original money receipt with Revenue Stamp had been deposited.

5. Having heard the parties and on consideration of the materials available on record, I am of the view that as regards the claim of the petitioner for compensation for non-supply of electric connection, the petitioner has approached this Court after considerable delay. It is not in dispute that the petitioner applied for 10 H.P. Industrial connection on 09.10.2007 and continued to send reminders to the authorities in that regard for about two and half years. Upon closure of his industry in February, 2011, he raised a claim for refund of his deposit. The petitioner has failed to explain the inordinate delay in approaching this Court as late as in the year 2014 for non-grant of electric connection which was applied for as far back as in 2007, and well after expiry of the period of limitation for filing a civil suit for such claim. In that view of the matter, this court is not inclined to



grant relief to the petitioner in this regard.

6. As concerns the claim for refund of the deposited amount of Rs. 11,660/-, there is no dispute that all formalities in this regard have been completed by the petitioner. Even after assurance by the Superintending Engineer on 06.04.2012, the same has not yet been refunded. It is, accordingly, directed that the Executive Engineer, North Bihar Power Distribution Company Ltd., Siwan (respondent no. 5) shall ensure refund of the security deposit of the petitioner together with statutory interest thereon from the date of deposit up to the date of actual payment to the petitioner, within a period of four weeks from the date of receipt/production of a copy of this judgment.

8. The writ petition stands disposed of with the above observations and directions.

(Vikash Jain, J)

N.H./- Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05-10-2018
Transmission Date	N/A

