

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5376 of 2018

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Ashok Rai @ Ashok Kumar Son of Paras Ram Resident of Village-Paijna P.S.
Ghoshwari District Patna.

.... Petitioner/s

Versus

1. The Chairman, B.S.E. B. Patna.
2. The Bihar State Electricity Board through its Chairman Vidhut Bhawan, Patna.
3. The Executive Engineer, Bihar State Electricity Supply Division Barh, Patna.
4. The Assistant Engineer Bihar State Electricity Bord Supply Sub-Division Mokama Dist Patna.
5. The Junior Engineer, Bihar State Electricity Board Supply Division Ghoshwari Rural Dist. Patna.
6. The Junior Engineer Bihar State Electricity Board, Supply Division Mokama District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv

For the Respondent/s : Mr. Sanjay Kumar Giri, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

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

- (i) *For issuance of a writ in the nature of mandamus commanding and directing the respondent authorities to restore the electric connection of the petitioner which has been disconnected by the respondent authorities as the petitioner undertakes that he is ready to deposit the loss caused to the Bihar State Electricity Board and has paid the first instalment of the total alleged amount (Rs. 40,000/-)*
- (ii) *For further direction to the respondent authorities to supply the provisional assessment chart to loss caused*



to the Bihar State Electricity Board and after hearing the objection of the petitioner pas a reasoned and speaking order.

(iii) Any other order/relief/reliefs for which this Hon'ble Court may deem fit and proper.

2. Learned counsel for the petitioner invites reference to the FIR in Ghoshwari P.S. Case No. 02/2017 according to which the petitioner's mother had been availing of 8 HP LT Line electric connection, which was disconnected with effect from 20.03.2016. It is stated that a bill for April, 2016 relating to the period 01.03.2016 to 01.04.2016 for which an amount of Rs. 8,644/- was raised and the same was subsequently duly paid (Annexure-5). Reference is further invited to the order of the learned Special Judge, PESU Area, Patna dated 16.03.2017 (Annexure-6) whereby the petitioner was granted anticipatory bail subject to the condition that the first instalment of Rs. 44,210/- out of the total amount of loss of Rs. 2,88,420.52 said to have been occasioned to the respondent-power company, had to be paid on the date of surrender and the second instalment of the same amount in the next month. The petitioner was directed to pay the remaining amount in 20 monthly instalments of Rs. 10,000/- regularly.

3. Learned counsel for the petitioner states that the instalments as fixed are regularly being paid by the petitioner and it is therefore submitted that the respondent-power company ought to have reconnected the electric connection to the petitioner's premises.

4. Learned counsel for the respondent-power company refers to para 6 of the counter affidavit and submits that reconnection could not be made as the reconnection charge of Rs. 100/- was not paid. It is stated that considering that the petitioner has been regularly paying the instalments as fixed by the learned Special Judge, there would otherwise be no objection in restoring the electric connection to the



petitioner’s premises.

5. Having regard to the respective stand of the parties, the writ petition is disposed of, granting liberty to the petitioner to deposit the reconnection charge of Rs. 100/-. In such event, the respondent-power company shall restore the electric connection to the premises in question within a period of 48 hours thereof.

6. It is made clear that any default in making payment of the instalments by the petitioner under the terms of the anticipatory bail order of the learned Special Judge dated 16.03.2017, shall entitle the respondent-power company to once again disconnect the power supply to the premises of the petitioner.

7. Learned counsel for the petitioner makes a statement at the Bar that neither the provisional assessment order nor the final assessment order has been served upon the petitioner.

8. Having regard to the categorical statement made on behalf of the petitioner, let the respondent-power company verify the fact of actual service of the same upon the petitioner and if not served, then the same should be served upon the petitioner expeditiously to enable him to take further steps in the matter in accordance with law.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2018
Transmission Date	NA

