

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1321 of 2016

In

Civil Review No.281 of 2014

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1. The Bihar State Power (Holding) Company Limited through its Managing Director, Vidyut Bhawan, Bailey Road, Patna
 2. The North Bihar Power Distribution Company Ltd. through its Managing Director, its Head Office at Vidyut Bhawan, Bailey Road, Patna
 3. The Electrical Executive Engineer, Purnea, North Bihar Power Distribution Company Limited.
 4. The Electrical Executive Engineer, Purnea, North Bihar Power Distribution Company Limited
 5. The Assistant Electrical Engineer, Purnea, North Bihar Power Distribution Company Limited.

... Respondents/Appellants

Versus

Rajesh Ranjan, son of Vijay Krishna Kumar, JVR Plaza, Purnea, P.O.+ P.S. and District Purne

... Writ petitioner/Respondent

Appearance :

For the Appellant/s	:	Mr. Vinay Kirti Singh Mr. Vijay Kumar Verma Mr. Akhileshwar Singh
For the Respondent/s	:	Mr. Suraj Samdarshi Mr. Indrajesh Kumar

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 27-06-2018

It is feeling aggrieved by a judgment and order dated 25.07.2013, passed by a learned Single Judge in CWJC No. 13671 of 2013, whereby the Assessing Officer has been directed to hold fresh inspection with due notice to the petitioner, followed by assessment, and while allowing the consumer-



petitioner to deposit 50% of the bill amount in case he disputed the final opinion on such inspection, which deposit would be subject to the finality of the assessment proceeding that by way of interim measure, the writ petitioner was allowed to deposit 20% of the bill amount for restoration of his electric line/connection.

Records confirm that it is feeling aggrieved by this very judgment and order of the learned Single Judge that the appellants herein filed LPA No. 03 of 2014, but chose to withdraw the appeal after some arguments. While disposing of the intra-Court appeal, preferred by the appellants herein, the Division Bench granted liberty to them to approach in future, if the occasion so arises. It is taking cue from the liberty so granted that a review application was filed by the appellants herein for review of the order passed in CWJC No. 13671 of 2013, giving rise to Civil Review No. 281 of 2014 and which also has been dismissed, vide order passed on 13.04.2016. It is on dismissal of the civil review application that the appellants have again approached this Court through the present appeal to again question the order of the writ Court in CWJC No. 13671 of 2013.

We have heard Mr. Vinay Kirti Singh, learned Senior



Counsel, appearing for the appellants, Mr. Suraj Samdarshi, learned counsel for the respondent-writ petitioner and perused the records.

In the nature of the 2nd round challenge initiated through this appeal, we are certainly not persuaded with the arguments to interfere with the order passed by the learned Single Judge in view of the undisputed circumstances noted below:-

A. The appellants chose to question the same order of the Writ Court in LPA No. 03 of 2014 but having failed to persuade the Division Bench, chose to withdraw the appeal.

B. While withdrawing the appeal, no liberty was prayed by the appellants to move the Writ Court by way of review jurisdiction.

C. The liberty granted by the Division Bench while disposing of the appeal filed by the present appellants as withdrawn, to approach in future, cannot be construed as a liberty granted to the appellants to file a review application as a preparatory ground to move a second appeal.

D. The order of the Writ Court put to question herein has attained finality by withdrawal of LPA No. 03 of 2014.

E. Even while directing for re-inspection and even



while preserving the rights of the parties, learned Single Judge has not interfered with the earlier inspection held on 10.06.2013.

The undisputed circumstances, which we have taken note of, would confirm that no prejudice is caused to either of the parties at the present stage by the direction so present in the order of the Writ Court, considering that the statutory exercise of drawing final assessment is yet to attain finality and the earlier inspection has not been interfered with.

For the discussions above, we are not persuaded to grant indulgence to the issue raised herein. The appeal is dismissed. No order as to costs.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
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