

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11522 of 2018

=====

Ruby Kumari, wife of Nitish Kumar Gautam, resident of Village- Kushahan, P.S.-
Sirdala, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Government of Bihar, Patna.
2. Chairman-cum- Managing Director (C.M.D.), Bihar State Power (Holding) Company Limited.
3. Managing Director, South Bihar Power Distribution Company Limited, Patna.
4. Electric Executive Engineer, Nawada Division, Nawada.
5. Sub- Division Officer, Electric Supply Rajouli
6. Assistant Electric Engineer, Electric Supply, Sub- Division, Rajouli.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. S.P.SINGH -GA3

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondent-South Bihar Power
Distribution Company Limited as well as The State of Bihar.

Petitioner seeks a direction for installation of new active
electric meter for his business premises as the application fees along
with other deposits have been made by the petitioner on 01.12.2017 as
contained in Annexure-1 and 2 of the writ application. A reminder
was also sent to the Junior Engineer, Sirdala on 21.03.2018 but still
his electric meter for running his Atta Chakki and Oil Mill has not
been granted.



Learned counsel for the South Bihar Power Distribution Company has filed his counter affidavit stating therein that in pursuance to a surprise inspection, the petitioner was found to have been committed theft of energy and an FIR being Sirdala P.S. Case No. 166 of 2018 was lodged against the petitioner on 01.06.2018 and an amount of Rs. 1,31,282/- was found electric consumption on account of theft of energy. He submits that if the petitioner deposits the said sum, his application for new electric meter would be processed.

Learned counsel for the petitioner, however, submits that in view of Section 152 of the Electricity Act, 2003, offences can be compounded and only Rs. 50,000/- is recoverable on account of such offence of theft of energy. He further submits that he has also filed rejoinder to the counter affidavit stating therein that one Janardhan Prasad Mahto, who had applied at the same time and is the neighbour of the petitioner had already been granted electricity connection and the bills from February 2018 to July 2018 has been given to him. He submits that he is also ready to pay the said bills from the said date, if new connection is given.

From perusal of the records and the averments of the parties, this writ application is disposed off with a direction that the petitioner is entitled to fresh connection but the dues on account of



surprise inspection of Rs. 131,282/- is liable to be paid. However petitioner submits that there is provision of compounding of offence. Petitioner has not shown whether he has filed an application for compounding of offence. If the same is filed it would be considered by the respondent-South Bihar Power Distribution Company, sympathetically within a period of six weeks from the date of filing of the said application.

This writ application is disposed off with the said observation.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2018
Transmission Date	NA

