

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.766 of 2018

In

Civil Writ Jurisdiction Case No.19397 of 2017

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Shri Sanjay Kumar, Son of Shri Yadvendra Krishna Prasad Singh, Sitaram Bhavan, Vachaspati Nagar, Kumhrar, Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, 3rd Secretary, Harding Road, Patna.
2. The South Bihar Power Distribution Company Limited, through its Chairman, Vidyut Bhavan, Bailey Road, Patna.
3. Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road, Patna.
4. The General Manager, revenue, South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road, Patna.
5. The Electrical Executive Engineer, South Bihar Power Distribution Company Limited, Electricity Supply Division, Gaya Ghat, Gulzarbagh, near Kumhrar Railway Crossing, Patna.
6. Assistant Electrical Engineer, Revenue, South Bihar Power Distribution Company Limited, Gulzarbagh division, Near Kumhrar Railway Crossing, Patna.
7. The Sub Divisional Officer, Revenue, South Bihar Power Distribution Company Limited, Electricity Supply Division, Gaya Ghat, Gulzarbagh, near Kumhrar Railway Crossing, Patna.
8. The Junior Engineer, South Bihar Power Distribution Company Limited, Electricity Supply Division, Gulzarbagh, Near Kumhrar Railway Crossing, Patna.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Shashank Chandra, Advocate
For the State	:	Mr. Yogendra Prasad Sinha -AAG-7
For the Respondents	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-10-2018

1. Feeling aggrieved and dissatisfied with the
impugned order passed by the learned Single Judge dated



24.04.2018 in C.W.J.C. No. 19397 of 2017 the original writ-petitioner has preferred the present Letters Patent Appeal.

2. At the outset it is required to be noted that the learned counsel appearing on behalf of the appellant has stated at the Bar that the appellant herein- original writ-petitioner would not have any difficulty in approaching the Ombudsman in terms of Section 42(6) of the Electricity Act for redressal of the grievances. However, he has submitted that as the original writ-petitioner has duly made payment of Rs. 3500/- under protest by way of average consumption of power in the past six months in compliance of the proviso to Section 56(1) of the Electricity Act to avoid disconnection and, therefore, even during the proceedings before the Ombudsman the electricity connection may be restored.

3. The factum of deposit of the amount under protest by way of average consumption of power in the past six months has been disputed by the learned counsel appearing on behalf of the South Bihar Power Distribution Company Limited.

4. Be it as it may be, even the learned Single Judge also specifically said that the Ombudsman may consider the issue relating to restoration of the electricity. Therefore, without expressing anything, whether in fact the appellant has complied



with proviso to Section 56(1) (b) of the Electricity Act or not after an appropriate application is given before the Ombudsman and the Ombudsman is satisfied that the provisions of proviso to Section 56(1) of the Electricity Act has been complied with in that case, the prayer of the appellant for restoration of the electricity supply during the proceedings before the Ombudsman may be considered in accordance with law and on its own merits at the earliest.

4.1. With this, present Letters Patent Appeal stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
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