

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17121 of 2017

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Anju Kumari, wife of Shri Prakash Jha, Resident of Flat No. B/302, M.M. Enclave,
Mitra Mandal Colony, Anishabad, P.S. Phulwarishrif, District Patna - 800002.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Energy, Government of Bihar, Patna.
2. The Bihar State Power (Holding) Company Limited, Vidhyut Bhawan, Bailey Road, Patna through its Chairman-cum- Managing Director.
3. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
4. The Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The Electrical Executive Engineer, Electric Supply Division, Gardanibagh, Patna.
6. The Assistant Electrical Engineer, Electric Supply Sub Division, Gardanibagh, Patna.
7. The Additional Collector, Patna Collectorate, Patna.

.... Respondents

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Appearance:

For the Petitioner : Mr. Suraj Samdarshi, Advocate

For the Respondents : Mr. Yogendra Prasad Sinha, AAG 7

Mr. Rajeev Kumar Sinha, AC to AAG 7

For the SBPDCL : Mr. Prakash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-03-2018

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

(i) For quashing of the order dated 30.12.2016 passed under Section 127 of the Electricity Act, 2003 as being wholly without authority of law, as the respondent no. 7 was not competent to adjudicate the appeal in light of the statutory notification and the order passed by this Hon'ble Court with regard to constitution of the Appellate Authority.



(ii) *For a direction to the respondent authorities to restore the electric supply of the petitioner which has been disconnected since 12.03.2014 and has not been restored, despite payment of 50% of the alleged punitive demand.*

(iii) *For a direction to the Appellate Authority under Section 127 of the Electricity Act, 2003 to adjudicate the dispute afresh in light of the statutory provisions as contained in the Bihar Electricity Supply Code, 2007 and to adjudicate the quantum of loss, only and not to travel beyond such quantification and not to observe with regard to theft of electricity as the same would prejudice the case of the petitioner under Section 154 of the Electricity Act, 2003; and for any other relief or reliefs to which the petitioner is found entitled.*

2. Learned counsel for the petitioner makes a short submission to the effect that the Additional Collector, Patna, Patna Collectorate (Respondent no. 7) was not the competent authority by himself to have adjudicated the petitioner's appeal in the light of statutory notification dated 06.05.2016 and the order of this Court with regard to the constitution of the appellate authority. It is further stated that an amount of Rs. 2,62,720/-, being 50% of the punitive demand, has already been paid, but however, the electric connection of the premises remains disconnected.

3. Learned counsel for the respondent-power company appears and has been heard. A counter affidavit has been filed on its behalf but the stand of the petitioner has not been controverted.

4. Having regard to the submissions of the petitioner, the impugned order dated 30.12.2016 passed in Electricity Appeal Case No. 71 of 2014 is hereby set aside and the matter remanded



to the duly constituted appellate authority for passing orders afresh after grant of opportunity to the petitioner in accordance with law. Considering that the petitioner has already made payment of 50% of the punitive demand, let the electric connection to the petitioner’s premises be restored forthwith, subject to final result of the appeal.

5. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2018
Transmission Date	NA

