

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18634 of 2017

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Krishna Prasad, son of Sri Janak Prasad, permanent resident of Utimpur, Patna, Bihar- 803202, at present resident of Mohalla- Beni Babu ka Garden, Rajendra Path, P.S.- Gandhi Maidan, District- Patna.

.... Petitioner

Versus

1. The South Bihar Power Distribution Company Limited, "Vidyut Bhawan", Bailey Road, Patna through its Chairman-cum- Managing Director.
2. The Executive Engineer (Electrical), Electric Supply Division, Bandar Bagicha, Budh Marg, Patna.
3. The Assistant Electrical Engineer, Electric Supply Division, Bandar Bagicha, Budh Marg, Patna.
4. The Junior Electrical Engineer (Revenue), Kadamkuan Circle, Patna.
5. Devargo Sarkar, son of Late Pradeep Sarkar, resident of Village- Beni Banbu ka Garden, Rajendra Path, P.S. Gandhi Maidan, Patna.
6. Sandeep Agrawal, son of Om Prakash Agrawal, resident of Village- Beni Banbu ka Garden, Rajendra Path, P.S. Gandhi Maidan, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Prasad, Advocate

For Respondent-SBPDCL: Mrs. Nivedita Nirvikar,
Mr. Deepak Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondent-South Bihar Power Distribution Company
Limited.

2. The present writ petition has been filed for a direction to respondent nos. 1 to 4 to grant new electric connection to the tenant-petitioner; and for setting aside the impugned letter No. 74 dated 10.06.2015 (Annexure-B to the counter affidavit) by which the application of the petitioner has been recommended to be cancelled.



3. Learned counsel for the petitioner submits that the action of the respondents is wholly arbitrary and that he is entitled to new electric connection which is illegally being denied to him. It is submitted that the impugned letter no. 74 dated 10.06.2015 (Annexure- B to the counter affidavit) has been issued without prior notice and without grant of any opportunity for producing the requisite documents in absence of which his application has been rejected.

4. Learned counsel for the respondent-South Bihar Power Distribution Company Limited refers to the counter affidavit to submit that new electric connection could not be granted to the petitioner for want of several documents such as proof of ownership paper, lease agreement or any order of the court.

5. Having regard to the stand of the parties, the impugned letter no. 75 dated 10.06.2015 (Annexure-B to the counter affidavit) is set aside to the extent it relates to the petitioner only and the matter is remanded to the Junior Electrical Engineer (Revenue), Kadamkuan Circle, Patna (respondent no. 4) for fresh decision in accordance with law after hearing the petitioner in that regard. The petitioner undertakes to appear before the said respondent no. 4 within ten days from today for the purpose. A reasonable opportunity shall be granted to produce the requisite documents by the petitioner.



6. The writ petition stands disposed of with aforesaid observation and direction.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.07.2018
Transmission Date	N.A.

