

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4587 of 2016

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M/s Thai International Private Limited, Mastipr, P.S. Bodhgaya, District Gaya, through its Director, Mahfooz Alam, son of Nasir Alam, resident of Bodh Gaya, River Side Road, District- Gaya

... .. Petitioner

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director.
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director.
3. The Electrical Executive Engineer, Electric Supply Division, Gaya (Rural), South Bihar Power Distribution Company Limited, Gaya.
4. The Assistant Electrical Engineer, Electric Supply Division, Bodh Gaya, Gaya
5. The Junior Electrical Engineer, Electric Supply Division, Bodh Gaya, Gaya

... .. Respondents

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Appearance :

For the Petitioner/s	:	Ms.Roona, Advocate
For the BSHPCL	:	Mr.A.K. Ojha, Standing Counsel
		Mr.A.K. Karna, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioner and learned counsel representing the Bihar State Power Holding Company Limited.

Petitioner in the present case is seeking a direction to the respondents to revise the energy bill after granting him the benefits under the industrial policy as well as the tourism policy also which according to the petitioner, are applicable to him but he has been deprived of the benefits thereof.

It appears on perusal of the records that earlier the



petitioner had raised a grievance against the bills served upon him by filing a complaint petition before the Consumer Grievance Redressal Forum, BSPHCL, Patna ('CGRF') giving rise to Registered Case No. 50/2012 under Section 42(5) of the Indian Electricity Act, 2003. The 'CGRF' heard the matter and held as under :-

“As with regard to entitlement of the incentive under Industrial Policy, the petitioner has submitted the photocopy of Industrial Incentive Policy 2006 and a photocopy of gazette notification of Bihar Tourism Policy, 2009 issued on 10 August 2009 in support of claim of entitlement of incentive under Industrial Policy. On detail examination of both the documents it transpires that Hotels have been declared entitled for the Incentive of Industrial Policy as it is related with tourism. In the light of above documents we are convinced that hotels, connected with tourism are entitled for such incentive and the instant Hotel is situated at Bodh-Gaya which is a tourist place declared by the Govt. of Bihar, thus we find and hold that instant hotel is entitled for exemption under Industrial Policy, accordingly the claim of petitioner is allowed.

Thus in the light of above observation the respondents are directed to revise the monthly energy bill of the petitioner on the basis of actual consumption allowing exemption in monthly minimum charges in terms of Industrial Policy, waiving DPS charged on wrong bill and adjusting the payment made by the petitioner consumer within 15 days of the order.”

Since the order of 'CGRF' had not been complied



with, the petitioner moved to the electricity Ombudsman Bihar Electricity Regulatory Commission giving rise to Misc. Case No.04/2012 which was disposed of on 21st October, 2014. The Ombudsman directed the respondents to comply with the order of CGRF but when it was not so done, the petitioner moved before the Bihar Electricity Regulatory Commission (hereinafter referred to as the 'Commission') under Section 142 of the Electricity Act 2003 for non-compliance of the order dated 21.10.2014. During pendency of the application before the Commission, the bill was revised and a reduction of Rs. 49,000/- approximately was provided to the petitioner. The petitioner did not feel satisfy with the same, therefore, the Commission decided to remand the matter to the 'CGRF' with a direction to check the correctness of the revised bill within one month from the date of receipt of the order. Annexure '5' to the writ application is the order dated 25.11.2015 passed by the Commission in Misc. Case No. 29 of 2015 wherein the direction has been issued to the 'CGRF'.

The petitioner is not aware as to what happened before the 'CGRF'. The present writ application seems to have been filed in this Court on or about 04.03.2016 without ascertaining the correct position. In course of hearing learned



counsel for the petitioner is unable to inform this Court about progress made in the 'CGRF'.

Learned counsel for the Power Company submits that when the matter is pending before the 'CGRF' in terms of the direction as contained in Annexure '5' to the writ application, there was no occasion for petitioner to move this Court for a direction to revise the bill.

After hearing learned counsel for the parties and on perusal of the records, this Court is of the view that the petitioner has moved this Court in haste for the directions prayed in the writ application. In fact the Commission has vide its order dated 25.11.2015 directed the 'CGRF' to check the correctness of the revised bill, instead of pursuing the matter in 'CGRF' the petitioner has chosen to file the present writ application which is not the correct course adopted by the petitioner. This Court, however, directs the 'CGRF' to look into the grievance of the petitioner and in case the matter is still pending after remand from the Commission, the same must be disposed off within one month from the date of receipt/production of a copy of this order.

Since the petitioner has submitted that the electricity connection of the petitioner has been disconnected, he will be at



liberty to make an appropriate prayer before the ‘CGRF’ which
will also be considered in accordance with law.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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