

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5079 of 2019

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Ragani Gupta Wife of Sri Anil Kumar Gupta Presently residing at Anand Bazar Danapur, Post Office- Danapur, Police Station-Danapur, District-Patna(Pin Code 801503).

... .. Petitioner/s

Versus

1. Bihar State Power (Holding) Company Ltd. and Ors through its Managing Director having Office at Vidyut Bhawan, Bailey Road, road, Police Station-Kotwali, District- Patna.
2. South Bihar Power Distribution Co. Ltd. through its its Managing Director having Office at Vidyut Bhawan, Bailey Road, road, Police Station-Kotwali, District- Patna.
3. Electrical Executive Engineer, South Bihar Power Distribution Co. Ltd. Danapur Division, having office at Bailey Road, near Ishan International School, Police Station- Rupashpur, District- Patna.
4. Asst. Electrical Engineer, South Bihar Power Distribution Co. Ltd. Danapur Division, having office at Bailey Road, near Ishan International School, Police Station- Rupashpur, District- Patna.
5. Junior Electrical Engineer, South Bihar Power Distribution Co. Ltd. Danapur Division, having office at Bailey Road, near Ishan International School, Police Station- Rupashpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Advocate
For the Respondent/s : Mr. S. K. Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-10-2019 After hearing learned counsel for the petitioner, in the given facts and circumstances of the case, this Court is not inclined to exercise its extraordinary writ jurisdiction in the present case.

The facts of the case would reveal that earlier the electricity connection was taken in the premises in the name of the husband of this petitioner.



It is the stand of the respondent-power company by filing counter affidavit and supplementary counter affidavit and it has not been denied that there is outstanding electricity dues of Rs. 31,69,470.33/-. After disconnection of electricity line in the premises, the petitioner has applied for a fresh electricity connection in her name.

It is the stand of the respondent-power company that the petitioner was knowing the fact about the earlier dues because a notice in this connection had already been issued to her husband vide letter no. 242 dated 07.01.2019. Her application for fresh connection has therefore been rejected vide Annexure '3' to the writ application.

Learned counsel for the petitioner has also informed that the husband of the petitioner has filed a suit in the Civil Court, Danapur in which the earlier bill raised by the respondent-power company has been put under challenge and during the pendency of the suit and continuance of status quo order, the power company has disconnected the line and therefore, that has now been brought before the said Civil Court by filing application under order XXXIX Rule 2 of Code of Civil Procedure.

Learned counsel has relied upon the judgment dated 24.03.2013 passed by a co-ordinate Bench of this Court in C.W.J.C. No. 5130 of 2015 (**Dr. Bharat Prasad and Anr. Vs. The**



Bihar State Power Holding Company Limited & Ors.).

This Court has perused the judgment of the learned co-ordinate Bench. To this Court, it appears that the facts of the present case are completely different and distinct from that of the facts of the case of **Dr. Bharat Prasad & Anr.** (supra). In the said case both the petitioners purchased the property from one Private Limited Company through sale deed executed in the year 2012 and thereafter had filed application for fresh electrical connection. Therefore, it is evident that in the said case new connections were being requested by the petitioners who were having arms length distance from the defaulter.

In the present case since the petitioner happens to be the wife of the defaulter and admittedly the defaulter is residing in the same premises with his wife in which he had also availed the electricity connection in his own name, this Court will have to lift the curtain and while exercising its writ jurisdiction will be required to be satisfied with the bona fide of the petitioner.

In the opinion of this Court, the impugned order needs no interference by exercising writ jurisdiction of this Court. The application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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S. Katyayan/-

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