

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5440 of 2019

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Ram Kishor Singh aged about 54 years (Male), son of Late Jamun Singh,
Resident of Ward No.14, Prabhat Nagar, P.O. Bhagwanpur, P.S. Muzaffarpur
Sadar, Town and District Muzaffarpur. Petitioner

Versus

1. The North Bihar Power Distribution Company Limited, Vidyut Bhawan,
Bailey Road, Patna, through its Managing Director.
2. The Chief Engineer (Commercial), North Bihar Power Distribution
Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The Electrical Executive Engineer, Electric Supply Division, Muzaffarpur.
4. The Assistant Electrical Engineer, Electric Supply Sub-Division, Ram
Dayalu, Muzaffarpur.
5. The Junior Electrical Engineer, Electric Supply Sub-Division, Ram Dayalu,
Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Advocate Mr.Rajan Prakash, Advocate Mr.Avinash Shekhar, Advocate
For the Power Company :		Mr.A.K. Ojha, Advocate Mr.A.K. Karna, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2019 I.A. No. 1 of 2019 has been filed by the petitioner to

allow substitution of the legal heir of the sole petitioner who is

said to have died on 02.06.2019 during pendency of this writ

application.

Learned counsel for the respondents have no

objection to the same.

I.A. No. 1 of 2019 is, therefore, allowed. Let the

name of the sole petitioner be expunged and in her place the

name of legal heir as disclosed in Paragraph '4' of the

Interlocutory Application be substituted.



At the outset, Mr. Ojha, learned counsel for the respondents-Power Company submitted that this writ application seems to have become infructuous inasmuch as during pendency of the writ application which has been filed for quashing of the provisional assessment order, the Assessing Officer has already passed the final assessment order as back as on 21.12.2018. Learned counsel submits that the final assessment order is an appealable order under Section 127 of the Electricity Act, 2003, therefore, now this writ application has lost its significance.

Learned counsel for the petitioner submits that he may be permitted to challenge the final assessment order in the present writ application, this Court is of the considered opinion that the final assessment order having been passed during pendency of the writ application, this application has become infructuous. Petitioner will, however, be at liberty to seek his remedy against the final assessment order in accordance with law.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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