

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4812 of 2018

In
Civil Writ Jurisdiction Case No.12174 of 2018

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M/s Mehrotra Engineering Works Private Limited, a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Bela industrial Estate, Muzaffarpur, through one of its Director, Sunil Mehrotra, son of Dwarika Nath Mehrotra, resident of Juran Chhapra, Road No.1, Town & District-Muzaffarpur.

... .. Petitioner/s

Versus

1. 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, Vidyut Bhawan, Bailey Road,
3. The Electrical Superintending Engineer, Electric Supply Circle, Muzaffarpur,
4. Muzaffarpur Vidyut Vitran Limited, Power House Chouk, Opposite Government Circuit House, Gobarsahi Road, Maripur, Muzaffarpur, through its Chief Executive Engineer,
5. The General Manager, Fiance, Muzaffarpur Vidyut Vitran Limited, Power House Chouk, Opposite Government Circuit House, Gobarsahi Road, Maripur, Muzaffarpur &
6. The Business Head, Muzaffarpur Vidyut Vitran Limited, Power House Chouk, Opposite Government Circuit House, Gobarsahi Road, Maripur, Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi
For the Opposite Party/s : Mr.Vinay Kirti Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 06-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the North Bihar Power

Distribution Company (hereinafter referred to as ‘the

Company’).

Petitioner has sought clarification of the order passed

in the writ application being CWJC No.12174 of 2018 dated



10.10.2018 specially clause-(ii) of the direction part of the concluding order which is extracted hereunder:-

“(ii) The Franchisee Company would calculate only DPS for the outstanding dues as on 16.01.2016 till the date of restoration of electric supply.”

Petitioner has submitted that in spite of the directions issued by this Court the Company has not only charged DPS on the outstanding dues as on 16.01.2016 outstanding to the tune of Rs.11,17,993/- but also month to month demand charge which is enclosed as Annexure-2 of the supplementary affidavit at column-17 that a sum of Rs.61,965/- is the demand charge raised every month from January, 2016 to March, 2017 and from April 2017 to December 2017, i.e., the month preceding the restoration of supply of energy to the tune of Rs.68,650/- per month. Although clause(ii) of the directions of the last part of the order dated 10.10.2018 passed in CWJC No.12174 of 2018 is clear and does not require any clarification but since the Company is bent upon raising demand charge, the Company is directed to calculate DPS on the outstanding of Rs.11,17,993/- as on 16.01.2016 till the restoration of supply of electricity, i.e., 1st January, 2018.

With such directions, the modification application is



allowed to the extent indicated above.

(Nilu Agrawal, J)

B.Kr./-

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