

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22679 of 2011

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Mahmood Alam son of Syed Naseer Alam Resident Of Bodh Gaya Bazar,
Police Station- Bodh Gaya, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Energy Secretary, Bihar, Patna.
2. The General Manager, Bihar State Electricity Board, Area Office, Gaya.
3. The Superintending Engineer, Electricity Supply Circle, Gaya.
4. The Executive Engineer, Electric Supply Division, Gaya Rural, District- Gaya.
5. The Assistant Electrical Engineer, Electricity Supply Sub- Division, Gaya (Rural), Section Bodh Gaya, Camp Bodh Gaya, District – Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
		Mr. Bibhuti Narayan, Advocate
For the Respondent/s	:	Mr. Anand Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioner and

learned counsel representing the respondents Power

Company and it's authorities.

Petitioner, in the present case, has moved this

court seeking the following reliefs: -

I. For issuance of writ in the nature of writ of
certiorari for quashing the Registered Case no.
75(H-6) of 2011 dated 11.11.2011, passed by the
learned Consumer Grievance Redressal Forum
B.S.E.B., Vidhyut Bhawan-II, Patna, whereby
the petition of the petitioner was rejected by the
Forum without proper consideration of the facts
and circumstances of the case.



II. For issuance of writ of in the nature of writ of certiorari for quashing the energy bill dated 10.05.2011, raised against the petitioner by the respondents making a demand of Rs. 22,69,434.00.

III. For issuance of appropriate writ/writs, command/commands, direction/directions, directing the respondents to re-assess the connected load, of the petitioner's hotel, as to the assessment of the connected load done by the respondents is arbitrary and wrong.

IV. For issuance of appropriate direction/directions to the respondents directing them to issue fresh energy bill to the petitioner in view of the sanctioned connected load of 30 K.W. of L.T. (low tension) connection.

V. For issuance of any appropriate writ/writs, direction/directions to which the petitioner may be entitled to in the facts and circumstances of the case.”

It is the case of the petitioner that he was provided the electric connection in his hotel namely Tokyo Vihar situated at Mauza Mastipur, Bodh Gaya in NDS2 category with sanction load of 30 K.W. He was paying the energy bills of the same till December 2006 without there being any default. On 20.12.2006 a surprise inspection by the then Bihar State Electricity Board officials was carried out in the



Hotel premises and the total load was enhanced from 30 K.W. to 110 K.W. According to him, no inspection report was furnished to the petitioner and even the representations submitted by him before the Board officials did not get any response. Subsequently, the Board issued a punitive bill to the petitioner to the tune of about Rupees four lakhs and continued to serve enhanced bills. The petitioner submits that he continued to pay the energy bills to save himself from disconnection but then when no result came out and his grievances were not redressed he moved to the Consumer Grievance Redressal Forum, Patna (hereinafter referred to as the 'C.G.R.F., Patna') with a complaint. In terms of the direction of this court in CWJC No. 10244/2011 the complaint preferred by the petitioner was examined and after considering the materials on the record vide the impugned order dated 11th November, 2011 the C.G.R.F., Patna, dismissed the complaint holding that "*the claim of the petitioner has no leg to stand.*"

The C.G.R.F., Patna directed to issue a fresh notice to the petitioner to complete all requisite facilities for HT supply within 3 months as the load of petitioner is 110



KW and it is within the purview of HT Tarrif or if the petitioner desires to remain under LT Tarrif, the load of the premises to be reduced within the limit of LT Tarrif, within one month as prescribed in the provision of reduction of load.

It is the aforesaid order of the C.G.R.F., Patna which has been sought to be challenged in the present writ application. The petitioner has raised the same pleas which were taken before the C.G.R.F., Patna to challenge the bills raised to the petitioner based on 110 K.W. of load.

It appears from the record that while the writ application was being heard, a learned coordinate Bench of this court vide it's order dated 05.10.2015 accepted the suggestion of the petitioner to get conducted an inspection afresh to find out the present load in the hotel premises.

Learned counsel for the Power Company had not opposed the said suggestion but made it clear that the inspection report would be only prospective in nature. It appears that pursuant to the aforesaid order the hotel premises of the petitioner was inspected and the authorities of the Power Company found in course of inspection that



the connected load of petitioner's hotel is 51.327 K.W. These facts have been brought on record by petitioner by filing I.A. No. 67/2016.

Today when the case was called out, the submission on behalf of the parties boiled down to the extent that learned counsel for the petitioner has submitted before this court that petitioner would be ready and willing to pay the outstanding dues on account of the electricity bills for the period prior to the inspection date 28.11.2015 immediately after getting an account of the total bills drawn by the Power Company prior to 28.11.2015 and the payments made by the petitioner against those bills so far. As regards the period after 28.11.2015, learned counsel for the petitioner submits that in all fairness the electricity bills should be revised prospectively at least on the basis 51.327 K.W. of load.

Mr. Anand Kumar Ojha, learned counsel representing the Power Company agrees to this extent, as according to him, he has instruction to say that the Power Company would revise the bills for the period after 28.11.2015 based on 51.327 K.W. He has further agreed



that for the period before 28.11.2015 the Power Company shall make available the total outstanding amount liable to be paid by the petitioner after adjustment of the amounts already paid against those bills.

It has been agreed at the bar that the account of the outstanding bill prior to 28.11.2015 and the revised bills for the period after 28.11.2015 shall be made available to the petitioner within a period of 15 days from today and thereafter the petitioner shall make a request to the authorities of the Power Company to receive the outstanding amount in some installments.

In the given facts and circumstances of the case since the parties have agreed to a mode of settlement of their dispute in the aforesaid manner, this court is disposing of the present writ application with a direction to the respondent Power Company and its authorities to make available the complete account of the outstanding amount which the petitioner would be liable to pay for the period prior to 28.11.2015, as also revised the bills for the period after 28.11.2015 and serve the same on the petitioner within a period of 15 days from today. Thereafter, it will be open



for the petitioner to approach the respondent authorities – Power Company to accept the entire outstanding amount in few installments and/or on such terms and conditions which they may agree in accordance with the guidelines and the norms provided for settlement of such dues. The respondent authorities shall consider the request of the petitioner and would take an appropriate decision thereon within a period of next 15 days.

Learned counsel for the petitioner prays that the direction be issued to the respondent authorities to restore the electricity line of the petitioner immediately as the petitioner agrees to deposit 50% of the total outstanding amount for the period prior to 28.11.2015 immediately after getting the outstanding amount disclosed by the Power Company. For the period after 28.11.2015 he however submits that the petitioner would be ready to deposit the amount in accordance with installments which may be fixed by the respondent authorities.

This court would direct the respondent authorities to consider the request of the petitioner keeping in mind that the Hotel of the petitioner is said to be lying non-



operational because of the disconnection and also considering the interest of the revenue.

The writ application as well as the Interlocutory Application being I.A. No. 67/2016 stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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