

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23352 of 2019

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Nand Kumar @ Dr. Nand Kumar aged about 55 years (M), S/o Late Radha Krishna Lal R/V-Benta Road, Behind Petrol Pump, P.S.- Laheriasarai, District-Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Electricity Department of Bihar, Patna.
2. The North Bihar Power Distribution Company Ltd. through its Managing Director, Patna.
3. The Executive Engineer, Electric Supply Division, Laheriasarai, Darbhanga.
4. The Assistant Engineer, Electric Supply Sub-Division, Laheriasarai Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Ajay Kumar, Advocate
For the Respondents	:	Mr.Yogendra Prasad Sinha AAG7 Mr. Rajeev Kumar Sinha, AC to AAG 7
For the NBPDC	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kr. Verma, Mr. Akhileshwar Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioner, State and the respondent-North Bihar Power Distribution Company Limited.

The petitioner, a consumer of electricity, has approached this Court for a direction to the respondents authority to refund the excess amount of Rs. 2,30,341/- which has been charged from the petitioner and which after the assessment of loss was quantified.

The petitioner had been the consumer for a long time



but in a raid which was conducted by the respondent company on an occasion, it was found that two meters installed in the premises of the consumer were tampered. The meters were detached and sent for verification. Initially, a provisional assessment of loss because of tampering of the meters was made by the company. The amount of loss was initially found to be Rs. 7,36,732/-, which appears to have been paid by the petitioner under protest.

Later, it was found that the loss was less by Rs. 2,30,341/-, which amount is sought to be refunded to the petitioner.

On behalf of the respondent/North Bihar Power Distribution Company Limited, it has been submitted that the loss suffered by the company because of tampering of meters was finally assessed as Rs. 5,06,417/-. It is in this circumstance that Rs. 2,30,341/- was paid in excess of the final assessment regarding loss to the company. However, it has been submitted that such amount is subject to adjustment in the loss and liability to be fixed by the Special Court constituted for the purpose.

However, Mr. Vinay Kiriti Singh, learned senior advocate for the respondent/company submits that in case the petitioner would represent his case before the Executive Engineer, Electric



Supply Division, Laheriasarai, Darbhanga (respondent No. 3), necessary consideration shall be made by him and an order shall be passed within a period of six weeks of the receipt of such representation.

In the event of the petitioner preferring a representation for redressal of his grievance before the Executive Engineer, Electric Supply Division, Laheriasarai, Darbhanga (respondent No. 3) within a period of four weeks, the same shall be disposed off by the concerned respondent within a period of six weeks thereafter. If the claim of the petitioner is found to be acceptable, necessary arrangement shall be made for refund of the amount.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A
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