

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23723 of 2018

-
1. M/s Om Sai Baba Modern Rice Mill Pvt. Ltd., Represented through its Director, G.T. Road, Barauhali, P.O.- Bhatti, P.S.- Mohania, Dist- Kaimur, Bihar Pin No. 821109
 2. Smt. Savita Keshari Director, W/o Satyendra Kumar Keshari, resident of Village- G.T. Road Mohania, P.S-Mohania, Dist- Kaimur, Pin No. 821109

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Energy Department, Patna.
2. Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road, Patna.
3. South Bihar Power Distribution Company Limited, through its Chief Engineer Commercial Bihar, Patna.
4. The Electrical Superintendent Engineer, Electrical Division, Sasaram, Rohtas.
5. The Executive Engineer, Electricity Supply Division, Bhabhua.
6. The Assistant Engineer, Electricity Supply Sub Division, Mohania.
7. The Junior Electrical Engineer, Mohania.
8. The Chief Accountant Electrical Supply Division, Mohania.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan
For the Respondent/s : Mr.Yogendra Pd. Sinha- Aag7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-03-2019 This writ application has been preferred for the following reliefs:-

“(i) For issuance of an appropriate writ or direction to the respondents authority for re-calculation of Electricity bill of the petitioner’s mill since the month of December 2017 to uptill now.

(ii) For setting aside the order of respondent authority 30.04.2018 by which the Electricity connection of the petitioner’s mill has



been disconnected.

(iii) For issuance of direction upon the respondents authority re-store the electricity connection of the petitioner Rice mill which has been illegally disconnected by the respondent's authority.

(iv) For setting aside the notice dated 02.04.2018 issued under letter no. 1123 by respondent no.4 against the petitioner under Section 56 of the Electricity Act. As well as the Letter dated 24.09.2018 issued by the Respondent authority against the petitioner.

(v) For issuance of direction upon the respondents to remove the punitive charges against the petitioner which has been imposed on basis of wrong recording of consumption and wrong calculation of charges.

(vi) For any other relief for which petitioner will be found entitled be granted in favour of the petitioner.”

Several contentions have been raised in the writ application saying that the bills in question have been wrongly calculated. Mr. Rajendra Narayan, learned Senior Counsel representing the petitioners submits that even though the petitioners have raised objections against these bills, the same has not been taken care of by the respondent authorities. It is submitted by filing I.A. No.1 of 2019 that because of the disconnection of the electricity since the mill is not functioning, it has accumulated huge outstanding of the Bank rendering its



account a non-performing asset for which the Bank has initiated action under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act, 2002).

Mr. Ojha, representing the respondent nos.2 to 8 submits that the petitioner has got a statutory remedy before the Consumer Grievance Redressal Forum in terms of Section 42(5) of the Electricity Act, 2003. It is submitted that the disputes in relation to the electricity bills may be raised before the said statutory forum where all kinds of calculations may be worked out taking note of the submissions of the petitioner.

At this stage, learned Senior Counsel representing the petitioners informs this Court that to his knowledge perhaps the Member of the Redressal Commission has retired and it is not functional.

Mr. Ojha, learned counsel submits that if it is the position, he will take-up this matter with the competent authority to ensure that the Member of the Redressal Commission is duly appointed.

In the given facts and circumstances of the case, where this Court finds that the petitioners have got statutory alternative remedy under Section 42 (5) of the Electricity Act,



2003 this Court will refrain from entering into the kind of exercise sought for in the present writ application while sitting under Article 226 of the Constitution of India. The petitioners, if so advised, may approach the Redressal Commission by filing an appropriate application within a period of 30 days from today and in case, the same is filed within the aforesaid period, the Redressal Commission shall consider the grievance of the petitioners on merit.

In case, any member of the Redressal Commission has retired and/or is otherwise not available because of which the Commission is not functioning, the same will be immediately addressed by the competent authority and an appropriate appointment shall be made so that the Redressal Commission becomes functional within a period of sixty days from today.

This writ application stands disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

