

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
Civil Writ Jurisdiction Case No.6155 of 2020**

M/s Bhola Ram Steels Pvt. Ltd. a Company incorporated under the provisions of the Companies Act, 1956 having its Registered Office at Dadi Maa Biscuit Factory Road, Nasriganj, Danapur, District Patna, through its Director, namely Ajay Kumar Goyanka, Male, (aged about 53 years), Son of Satya Narayan Goyanka, Resident of 321, Avkash Residency, opposite Hindi Bhavan, T.N.B. Road, Chajjubagh, P.S. Phulwari, District Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, Department of Energy, Main Secretariat, Patna.
3. The Principal Secretary, Department of Industries, Government of Bihar, Vikash Bhavan, Bailey Road, Patna.
4. The Bihar State Power Holding Company Limited through its Chairman cum Managing Director, Vidyut Bhawan, Bailey Road, Patna.
5. The South Bihar Power Distribution Company Ltd., through its Managing Director, 2nd Floor, Vidyut Bhavan, Bailey Road, Patna.
6. The Chief Engineer- Commercial, South Bihar Power Distribution Company Ltd., 2nd Floor, Vidyut Bhavan, Bailey Road, Patna.
7. The General Manager Finance and Accounts, South Bihar Power Distribution Company Ltd., 2nd Floor, Vidyut Bhavan, Bailey Road, Patna.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr. Mohit Agarwal, Advocate  
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      04-06-2020                      The stamp-reporter has pointed out certain defects.

Learned counsel for the petitioner undertakes to remove all the defects within two weeks on start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned Senior Counsel representing the respondent Bihar State Power



Holding Company and its subsidiary South Bihar Power Distribution Company Limited and their authorities who are respondent nos. 4 to 7 in the writ application.

It appears on perusal of the writ application that the petitioner is aggrieved by and dissatisfied with the electricity bill no. 10077232511 dated 03.04.2020 and bill no. 10078905493 dated 04.05.2020 drawn for the month of March, 2020 and April, 2020 respectively. Although the petitioner has made payment of the bill of March, 2020 under protest and has challenged both the bills on the ground that during the period the country remained under the lockdown by virtue of the orders and notifications issued under the Disaster Management Act, 2005 (hereinafter referred to as the 'Act of 2005'), the respondents are not justified in levying Maximum Demand Charges for the full month.

Learned Senior Counsel for the respondents has submitted that for the present on account of non payment of the bill for the month of April, 2020 the electricity line of the petitioner is not going to be disconnected as they are not doing it for the present.

This Court finds that the petitioner has already represented before the competent authority vide representation dated 13.04.2020 and 18.04.2020 as contained in Annexure '5' series to the writ application and again vide Annexure '7' and '7/1' to the writ application. Those representations are pending with the competent authority of the respondent Corporation.



Considering the aforesaid aspect of the matter, this Court having considered the rival submissions wherein the petitioner is relying upon certain terms and conditions of the agreement entered into between the petitioner and the Power Company as also on some of the provisions of the Electricity Act and Act 2005 and the orders issued under the Disaster Management Act 2005 to contend that during the lockdown period the petitioner should not be saddled with the maximum demand charges and learned Senior Counsel for the respondent Corporation has given this Court to understand that the representations of the petitioner shall be considered by the competent authority, instead of keeping this writ application pending, this Court directs the respondent Corporation and its authorities to consider the representations of the petitioner, take an appropriate decision thereon, pass a reasoned order and till passing of such order, no coercive action shall be taken against the petitioner for realization of the maximum demand charges for the month of April, 2020.

This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

