

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7072 of 2020

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Heera Devi Wife of Binod Kumar @ Binod Sah @ Binod Kumar Gupta R/o
Mohalla- Neelkant Chowk, Ward No. 6, Brahmpura, P.O.- M.I.T., P.S.-
Brahampura, Sub- Division- Muzaffarpur East, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Energy Department,
Government of Bihar, Patna.
2. The North Bihar Power Distribution Company Limited Through its
Managing Director.
3. The Managing Director North Bihar Power Distribution Company Limited,
Patna.
4. The Chief Engineer Electric Supply Division, Muzaffarpur.
5. The Assistant Engineer Electric Supply Section, M.I.T., Muzaffarpur.
6. That Junior Engineer Electric Supply Section, M.I.T., Muzaffarpur.
7. Prbahakar Thakur Son of Late Baleshwar Thakur R/o Mohalla- Brahmpura,
P.O.- M.I.T., Sub- Division- Muzaffarpur East, P.S.- Brahampura, District-
Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh
For the Respondent/s	:	Mr.Kinkar Kumar SC-9
For the Company	:	Mr. Vijay Kr. Verma Ac to Mr. V.K.Singh Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 10-07-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsels are appearing and making submissions
from their residence. The Court Master and Secretary are also
part of this virtual court proceedings from their homes, all with
the aid of audio visual technology.

Heard the parties.

The brief factual background is that the petitioner(tenant) has



suffered judgment of eviction in Eviction Suit No. 19 of 2006. Against the same, she has availed the remedy of Revision in Civil Revision no. 11 of 2020, the same is pending consideration/adjudication.

The petitioner had approached the Respondent-Company for grant of electricity connection after deposit of some money and application fee. The Respondent –Company requested her to submit consent of her landlord. It is, in this background, that the writ petitioner has approached this Court for a direction to the Electricity Company to grant electrical connection and supply electricity without insisting on “**no objection**” or consent from the landlord.

Mr. Krishna Kant Singh, appearing for the petitioner, submits that the Scheme of electricity Act is such that the State is under an obligation to supply electrical connection and electricity. The only concern is that the same is to be in accordance with the provisions of the Statute, Rules and Regulations governing grant of electricity connection. It is submitted that the requirements of consent from the landlord, in the circumstance, that her Civil Revision is pending consideration and due to the current global pandemic on account of covid -19, this Court should direct the respondent-



Company to supply the petitioner electrical connection and electricity. He has referred to earlier provisions of the Bihar Electricity Supply Code, 2007 (for brevity '2007 Code') to submit that prior to coming into force of 2007 Code, there was no such requirement, the same has been obviously laid down in the new Code so that the dues of the Electricity connection are met and that the landlord would not be in a position to dispute such dues. He submits that to take care of this apprehension of the Respondent-Company, petitioner would be willing to deposit any security as is considered necessary.

Reference is also made to Clause 12.7(ii) to suggest that the provisions of the 2007 Code are not sacrosanct and were subject to variations by the Commission.

Learned counsel, representing the respondent -Company, has referred to Clause 4.13(a2) of the 2007 Code, which mandates permission of landlord along with proof of ownership of the premises. Unless the same is submitted by the petitioner, Respondent- Company would not be in a position to supply electricity to the petitioner *de hors* the provisions of the 2007 Code. The said provision is applied uniformly to all and the petitioner has no right to claim that authorities deviate from the same in the case of the petitioner. The petitioner has also



not challenged that said provision. Once the provision is there the same has to be applied uniformly and any deviation from the same cannot be contemplated and countenanced.

Considering the rival submissions, this Court is in agreement with the submissions put forth by the respondent-company. No case is made out by the petitioner for a direction upon the Respondent-company to supply the petitioner electric connection and electricity in violation of the provisions contained in Electricity Supply Code of 2007. The learned State counsel has also supported the stand taken by the Respondent-Company.

The writ petition stands dismissed.

(Madhuresh Prasad, J)

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