

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1566 of 2018

In
Civil Writ Jurisdiction Case No.6160 of 2014

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Gopal Prasad Singh Son Of Late Chandeshwar Prasad Singh, Resident Of
Mohalla - Refugee Colony, Ward No. 5, P.O. and P.S. Saharsa, District
Saharsa at present residing of Laxminath Nagar, Ward No. 5, Near Sikshak
Sangh, Block- Kahra, P.O. and P.S. Saharsa, District - Saharsa.

... .. Appellant/s

Versus

1. Bihar State Electricity Board, Patna through its Chairman Vidyut Bhawan,
Patna, Bihar.
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Patna, Bihar.
3. The Junior Electrical Engineer, Electric Supply Division (West), Saharsa
Town, Saharsa.
4. The Assistant Electrical Engineer, Electric Supply Division (West), Saharsa
Town, Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajit Kumar
For the Respondent/s : Mr.Vinay Kirti Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 27-02-2020

Being aggrieved by the judgment and order dated
13.09.2018 passed in CWJC No. 6160 of 2014, passed by
learned Single Judge dismissing the writ petition, appellant has
preferred this Letters Patent Appeal.



Appellant had filed writ petition for setting aside the electricity bill dated 17.01.2014 as well as refund of payment made by appellant which was paid by the appellant under threat of disconnection of electric supply.

An inspection was carried out by the Junior Electrical Engineer, Electric Supply Division, West, Saharsa in the premises of appellant, in which theft of electricity was detected for which FIR was instituted giving rise to Saharsa Sadar P.S. Case No. 687 of 2013 in terms of Section 135 of Electricity Act. It was alleged in the FIR that premises had an additional phase of electric connection without any meter connection as a result of which department suffered a loss of Rs. 2,84,185/- and appellant deposited the entire amount raised in said bill.

The writ petition was dismissed on the ground that appellant had raised no objection against the provisional assessment as contemplated under Section 126(3) of Electricity Act, 2003, which was available to petitioner by way of statutory remedy.

After hearing learned counsel for the appellant and respondents, this Court does not find any error or infirmity in the judgment and order dated 13.09.2018 passed in CWJC No. 6160 of 2014 passed by learned Single Judge, accordingly, the



Letters Patent Appeal is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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