

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1950 of 2016

In
Civil Writ Jurisdiction Case No.12239 of 2010

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Manju Agarwal, wife of Sri Bharat Agarwal, resident of Mohalla- C/18,
Industrial Estate, Bela, Muzaffarpur. Proprietor of M/s Neha Chemical
Industries

... .. Petitioner

Versus

1. The Bihar State Electricity Board Through Its Chairman, Baily Road, Patna.
2. Electrical Superintending Engineer, Bihar State Electricity Board, Vidyut Anchal, Ramdayalu Nagar, Muzaffarpur namely Sri Jayshankarjee.
3. Electrical Executive Engineer (East), Vidyut Pramandal, Ramdayalu Nagar, Muzaffarpur namely Sri Tripurari Sharan.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Ajay Prasad, Advocate
For the Opposite Party/s : Mr.A.K. Ojha, Standing Counsel.
Mr. A.K. Karna, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 05-02-2020 This contempt application has been preferred seeking initiation of a contempt proceeding against the opposite parties alleging disobedience and disregard to the order dated 18.07.2012 passed in C.W.J.C. No. 12239 of 2010. On perusal of the said order it appears that the petitioner had disputed her electricity bill and this Court while considering the grievance of the petitioner finally concluded as under:-

“As per the agreement arrived at between the petitioner and the respondent admittedly a sum of Rs. 64,448/- has remained due with the petitioner. She would pay the aforesaid amount within a period of three



months. On payment of the amount, the respondent would issue a provisional bill. On receipt of such notice the petitioner may file an objection under section 126 of Electricity Act, if aggrieved. The petitioner may put forth her plea that a correct bill be issued after deducting DPS, AMG, Penalty, Shunt Capacitor Charge. The Assessing Officer would dispose of the application expeditiously.....”

The matter was heard at length while directing the case to be listed under heading “For Orders”.

Mr. Ojha, learned counsel for the opposite parties has submitted before this Court that the petitioner was given an opportunity to be heard on her objection against the provisional bill but for personal hearing she did not appear. The Assessing Officer has passed the final assessment order as contained in letter no. 250 dated 09.10.2018 contained in Annexure ‘S/3’ which is available with the show cause filed on behalf of the opposite party-Board and its officials.

Learned counsel for the opposite parties has submitted that against the final assessment order there is a provision for appeal under Section 127 of the Electricity Act, 2003. The petitioner has not even availed that remedy of appeal and the final assessment order has attained finality.



The aforesaid contention of the opposite parties has not been controverted by learned counsel for the petitioner.

In the given facts and circumstances of the case, this Court finds no reason to proceed with this contempt application. It is dropped accordingly.

(Rajeev Ranjan Prasad, J)

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