

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2932 of 2021

1. Rupa Kumari, Wife of Dr. Arvind Kumar Nanda, Resident of Mohalla-Thatheri Bazar, (N.I.T. More, Ashok Rajpath), P.O. Mahendru, P.S. Pirbahore, Town and District-Patna.
2. Dr. Arbind Kumar Nanda, Son of Late Ganga Pandit, Resident of Mohalla-Thatheri Bazar, (N.I.T. More, Ashok Rajpath), P.O. Mahendru, P.S. Pirbahore, Town and District-Patna.

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Company Limited, through its Managing Director (formerly Bihar State Electricity Board), Vidyut Bhawan, Bailey Road, Patna.
2. The Executive Engineer (Electrical), South Bihar Power Distribution Company Limited, Electric Supply Division, Bandar Bagicha, Dak Bunglow Road, Patna.
3. Assistant Electrical Engineer, South Bihar Power Distribution Company Limited, Electric Supply Division, Bandar Bagicha, Dak Bunglow Road, Patna.
4. Electrical Superintending Engineer, South Bihar Power Distribution Company Limited, Shivalaya Market, Patna-800004.
5. The Junior Electrical Engineer, South Bihar Power Distribution Company Limited, Electric Supply Sub-Division, Patna University Campus (Allahabad Bank), Patna 800004.
6. Sunil Kumar Nanda, Son of Ganaga Pandit, resident of Mohalla-Mahendru, Thatheri Bazar, P.S. Pirbahore, Patna-800005.
7. Sachin Kumar, Junior Electrical Engineer, South Bihar Power Distribution Company Limited, Electric Supply Sub-Division, Patna University Campus (Allahabad Bank), Patna- 800004.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate
For S.B.P.D.C.L. : Mr. Kumar Priya Ranjan (Addl. S.C.)
Mr. Kunal Tiwary (Asst.S.C)

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-12-2021

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s).

“(i) For issuance of a direction to the respondent authority to restore the electric connection which has been disconnected on 21st December 2020 without any 15 days' notice to the petitioner as contemplated under Section 56 of the Electricity Act, 2003.

(ii) For issuance of a direction to dispose of the representation filed by the petitioner under Section 351A of the Constitution of India which has been received by the respondent authority on 11.01.2021 but has yet not been disposed of, may be considered and issue a direction to restore the electric connection to the petitioner's premises.

(iii) Pass such other order or orders as your Lordships may deem fit and proper in the interest of justice.”

We are of the considered view that the petition needs to be allowed, more so, in view of the admissions made in the affidavit filed by the respondents to the effect that no notice/intimation prior to disconnection of the electricity meter was ever issued to the petitioners, in whose name the meter was installed.

Pendency of dispute inter se the petitioners, namely, 1. Rupa Kumari, and petitioner no. 2, namely Dr. Arbind Kumar Nanda and the private respondent no. 3 would not infringe the petitioner's right of prior intimation before disconnection of the electricity meter.

Under these circumstances, we allow the petition with a direction to the respondent nos. 1, 2 and 3 to forthwith re-energize the electric connection of the meter already installed in the premises belonging to the petitioners. The details of the electricity meter are indicated in Annexure-A, (page 70) are as follows:-

There is no dispute with regard to the payment for

no dues are payable.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, sands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA