

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6733 of 2020

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Bhola Prasad Sah S/o Late Singheshwar Prasad Sah R/o Village-Ballochak,
Police Station-Dalsingsarai, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The Bihar State Power Holding Company Ltd. through its Chairman/Managing Director, Bihar, Patna.
3. The General Manager Cum Executive Engineer, Mithila Electricity Supply Division, Darbhanga.
4. The Electrical Executive Engineer, Electricity Supply Division, Dalsingsarai Circle-Dalsingsarai, District-Samastipur.
5. The Electrical Superintendent Engineer, Electricity Supply, District-Samastipur.
6. The Assistant Electrical Engineer, Electricity Supply Sub Division, Dalsingsarai
7. The District Consumer Forum, through its member Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lakshmindra Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Rajiv Roy, G.P.-1
		Mr. Suresh Kumar, AC to GP-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate order, direction or writ in the nature of CERTIORARI for quashing order dated 25.01.2020 passed in Case No. 195/12 (Annexure-11) by learned District Consumer Forum, Samastipur, whereby



and whereunder the prayer of petitioner for connection/modification of electricity bill, starting of his house Electricity connections and compensation Rs. 81,000/- thousand has been rejected.

(ii) For issuance of an appropriate order, direction or writ in the nature of MANDAMUS commanding the respondents to correct/modify the electricity bill and starting of his house electricity connection (Supply) and pay reasonable compensation to petitioner for his financial, mental, litigation suffering due to deficiency in service of the respondents.

(iii) For any other relief or reliefs for which petitioner may be found entitled in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.



Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal copy whereof be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) We have not expressed any opinion on merits and all issues are left open;

(j) Liberty reserved to the petitioner to challenge the order, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

