

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2330 of 2019

=====

Rajesh Kumar Dokania, Son of Surendra kumar Dokania, Resident of Marwari Tola Lane, Radha Market Sujaganj, Jagdishpur, P.S. Kotwali, District, Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, bailey Road, Patna, through its Chairman-cum- Managing Director.
2. The South Bihar power Distribution company limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
3. The Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The Electrical Executive Engineer, Electrical Supply Division, Bhagalpur (Urban) South Bihar Power Distribution company Limited, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, Advocate

=====

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

Date : 11-08-2022

Re: I.A. No. 2 of 2022

The instant Interlocutory Application has been disposed of vide common order passed on 10.08.2022 in CWJC No. 9669 of 2022 titled as M/s Rajesh Industries Vs The State of Bihar & Ors. and CWJC No. 2330 of 2019 titled as Smt. Radha Dokania @ Radha Devi Dokania Vs The Bihar State Power Holding Company Limited and Ors.

We clarify that the said order has been passed in the instant petition, which is quoted hereinbelow:--

“Re. I.A. No.2 of 2022 in CWJC No.2330 of 2019:

Original proprietor, namely, Smt. Radha Dokania @ Radha Devi Dokania, owner of M/s Rajesh Industries, has since expired. As such, her sole surviving beneficiary, namely, Mr. Rajesh Kumar Dokania, aged about 52 years (male), Son of Surendra Kumar Dokania, as also that of the deceased, Resident of Marwari Tola Lane, Radha Market Sujaganj, Jagdishpur, P.S. Kotwali, District, Bhagalpur, Bihar is substituted in place of the original petitioner.

Registry to make necessary correction in the memo of parties, both in the digital as also physical file.

I.A. No.2 of 2022 stands disposed of.

Re. CWJC No.9669 of 2022 & CWJC No.2330 of 2019:

List on 11.08.2022.”

Heard learned counsel for the parties.

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

(i) For issuance of a Writ in the nature of Mandamus directing the respondent authorities to provide a detailed statement to the petitioner, forming basis of the revision

of bill, as directed by the Consumer Grievances Redressal Forum, Patna under Section 42(5) of the Electricity Act, 2003, without any further delay.

(ii) For a direction to the respondent authorities not to disconnect the electric supply of the petitioner, upon payment of current monthly consumption charges till revision of the bill in accordance with the order dated 4.2.2013 passed by the Consumer Grievances Redressal Forum, Patna in Regd. Case No. 15 of 2011; and for any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.

There is dispute with regard to non-compliance of order dated 4th of February, 2013, passed by the Consumer Grievance Redressal Forum, Patna. This has resulted into multiple litigation at various stages and levels.

Undisputedly, on account of non-payment of dues, the electric connection stands disconnected by the respondent

resulting into non-functioning of an industrial unit set up by the petitioner.

The original petitioner Smt. Radha Dokania @ Radha Devi Dokania has since expired and her sole surviving beneficiary intends to resolve the dispute by placing on record before the appropriate authority, entire materials indicating compliance of the said order.

According to the present petitioner, the total amount due and payable is just one and half lakhs (approximately). According to the respondent, it is more than 37 lakhs (approximately).

This position is seriously disputed by the petitioner on the ground that the benefits to be accounted for, in terms of the order passed by the Consumer Grievance Redressal Forum, have not been accounted for and passed on to the petitioner.

Having heard learned counsel for the parties, we are of the considered view that the issue can be best resolved with the matter being again taken up by the Consumer Grievance Redressal Forum, Patna for opining as to whether the said order stands complied with in toto by all the parties or not.

As jointly prayed for, we direct the parties to appear before the Consumer Grievance Redressal Forum on 23rd of

August, 2022 and place on record the instant order. Also, liberty is reserved to the parties to place materials in support of the respective contentions. We further direct the said authority to positively decide all the issues within a period of four weeks thereafter.

We clarified that only with the compliance of the order passed by the Consumer Grievance Redressal Forum, including payment of dues, the electric connection shall be restored.

With the aforesaid direction, the present petition stands disposed of.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	