

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1298 of 2022

S.V.J. Enterprises Private Limited through the Director Suresh Jha S/O - Ramchandra Jha, Gender - Male, aged about - 50 years, Resident of 504, Sonam Palace CHS, Golden Nest Phase - 1, A(Old), Mira - Bhayander, P.S. - Bhayander East, District Thane, Maharashtra.

... .. Petitioner/s

Versus

1. North Bihar Power Distribution Company Limited through its The Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The Electrical Superintending Engineer, Electricity Supply Circle, Darbhanga.
4. The Electrical Executive Engineer, Electricity Supply Division, Darbhanga.
5. The Electrical Assistant Engineer, Electricity Supply Sub Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar Thakur, Advocate Mr. Prabhat Thakur, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kumar Verma, Advocate Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-03-2022

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

- (i) For quashing the inspection report dated 17.06.2015 conducted by the respondent no. 5 whereby and where-under the respondent no. 5 found that the petitioner is consuming 18.56 H.P power load instead of sanctioned load of 5 H.P though the respondent no. 5 recorded finding that motors consuming 12 H.P power load is not working.



- (ii) For quashing the final assessment order dated 19.08.2015 based on provisional assessment order dated 02.07.2015 passed by the respondent no. 5 whereby and where-under the provisional bill at Rs. 1,47,617/- has been confirmed enhancing the power load from 5 H.P to 19 H.P without affording reasonable opportunity of hearing in terms of section 126 (3) of the Act.
- (iii) For quashing the 15 days disconnection notice dated 25.10.2021 issued by the respondent no. 5 whereby and where-under exorbitant bill at Rs, 5,94,969/- has been directed to be deposited based on final assessment order dated 19.08.2015 though the electricity line was disconnected on 29.11.2021 but same has been restored subject to exorbitant and coercive payment under protest of total outstanding dues in installment.
- (iv) For direction to the respondent 5 not to disconnect the power supply to the petitioner unit because the inspection report on the basis of which the additional electric bill Rs. 1,47,617/- has been charged is in the teeth of section 126 of the Act and alternatively, not to disconnect the electric supply in case of non-payment of installment in time keeping in mind the facts that the company is facing acute financial loss for last 4-5 years

For any other relief or reliefs, either independently or consequentially, in the facts and circumstances of the present 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;



(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

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

(i) 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;

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

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, 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)

P.K.P./Amrendra

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