

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10755 of 2021

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The North Bihar Power Distribution Company Ltd. through the Electrical Superintending Engineer (ESE), at Electric Supply Circle, Chapra under the North Bihar Power Distribution company Ltd. having registered at Vidyut Bhawan, Bailey Road, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of the Law and Justice, Government of Bihar, Patna.
2. The District Legal Services Authorities, Saran at Chapra through its Chairman having office at District Court Cam,Campus, Chapra.
3. The Chairman, Permanent Lok Adalat, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-01-2022

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

1. That the Petitioner, a Distribution Licensee under Section 14 of the Electricity Act, 2003, is constrained to commence the instant proceeding in the interest of revenue and compliance of the provisions of the Act, 2003 and prays for quashing of the order bearing order



No. 01/2021 (Memo No. 10 dated 02.02.2021) passed by the Permanent Lok Adalat, Siwan, Chapra restraining the licensee to disconnect the electric supply of the Consumers without considering that the Permanent Lok Adalat under 22B of LSA Act, 1987 can determine a dispute by an amicable settlement of dispute in an independent manner and such an order of ex-parte injunction violates principles under Section-22-C of the Act, prejudices the licensee and frustrates the mandatory provisions of the Electricity Act, 2003.

It is the petitioner's grievance that by passing a blanket order dated 2nd February, 2021 (Annexure-1 Page 36) and 22nd March, 2021 (Annexure 4 Page- 40), Respondent No. 3 has prevented the petitioner from exercising its statutory right, as envisaged under Section 56 of the Indian Electricity Act.

We notice that vide impugned orders, the Respondent No. 3 has directed the petitioner-company not to disconnect the electricity connection, in such of those cases where summons stand issued, save and except, without the leave of such



authority.

Having heard Shri Anand Kumar Ojha, learned counsel for the petitioner as also learned counsel for the State, we are of the considered view that the present petition can be disposed of on the following terms:-

(a) The jurisdictional issue of the Respondent No. 3 to pass such an order is left open to be adjudicated, should the need so arise in an appropriate proceeding;

(b) In any case, it is open for the petitioner to agitate the same before the said authority;

(c) The petitioner shall approach the appropriate authority seeking modification of the order and also early disposal of the petitions which are pending consideration.

From Annexure-3, Page 38, we notice that petitions are pending since the year 2018 onwards and the arrears due and payable to the service providers is more than 42.87 crores.

At this stage, Shri Anand Kumar Ojha states that the total amount pertaining to District- Chapra itself is more than 143 crores as also averred in para-21 of the petition.

As and when any such application is moved, the appropriate authority shall take up the same on day-to-day basis and decide the same expeditiously and positively within a



period of four weeks thereafter.

Petition stands disposed of in the aforesaid terms.

Liberty reserved to the petitioner to approach the court on same and subsequent cause of action, should the need so arise.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

