

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12796 of 2021

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Sunil Kumar, Son of Shri. Rajkishore Chaudhary Resident of Badi Yusufpur,
Hajipur, District- Vaishali, Proprietor, M/s. Hotel Fun Point, Chaurasia
Chouk, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Department of Energy,
Government of Bihar, 8 Daroga Rai Path, Patna- 800001.
2. The Secretary Department of Energy, Government of Bihar, 8 Daroga Rai
Path, Patna- 800001.
3. North Bihar Power Distribution Company Ltd. Through the Managing
Director, Vidyut Bhawan, Bailey Road, Patna 800001.
4. The Managing Director North Bihar Power Distribution Company Ltd.,
Vidyut Bhawan, Bailey Road, Patna- 800001.
5. The Chief Engineer (Commercial) North Bihar Power Distribution Company
Limited, having its office at 3rd Floor, Vidyut Bhawan, Bailey Road, Patna.
6. The Electrical Executive Engineer Electric Supply Division, Hajipur,
(Vaishali).
7. The Bihar Electricity Regulatory Commission through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC-6
		Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Akhileshwar Singh, Advocate
For respondent No.7	:	Mr. Rajni Kant Mishra, Advocate
		Mr. L. L. Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-11-2022

Petitioner has prayed for the following relief/s :-



- i) To issue an appropriate writ order or direction in the nature of *mandamus* commanding the Respondent North Bihar Power Distribution Company Ltd to test the meter of the petitioner in accordance with the provisions of the Supply Code, as also the Central Electricity (Installation & Operation of Meters) Regulations, 2006.
- ii) To issue an appropriate writ order or direction in the nature of *mandamus* commanding the Respondent North Bihar Power Distribution Company Ltd to raise the current monthly bills on the basis of average consumption as per Clause 9.16 of the Supply Code.
- iii) During pendency of the writ application direct the Respondent not to disconnect the electric supply during pendency of the present proceeding for non-payment of energy bills raised on the basis of in-correct meter.
- iv) This Hon'ble Court may adjudicate and hold that the action of the Respondents in not testing the meter of the petitioner in accordance with the provisions of the Supply Code, as also the Central Electricity (Installation & Operation of Meters) Regulations, 2006, is arbitrary and unreasonable in nature
- v) This Hon'ble Court may further adjudicate and hold that the Respondents are duty bound to raise the current monthly bills on the basis of average consumption as per Clause 9.16 of the Supply Code.



- vi) This Hon'ble Court may further adjudicate and hold that action of the Respondents in this matter smacks of arbitrariness and unreasonableness and is thus bad in law.
- vii) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

Mr. Rajni Kant Mishra, learned counsel enters appearance on behalf of respondent No.7, namely, the Bihar Electricity Regulatory Commission through its Secretary.

It is not in dispute that the Consumer Grievance Redressal Forum (GRF) (hereinafter referred to as "the Forum") stands constituted in terms of and under the provisions of Bihar Electricity Regulatory Commission.

Mr. Suraj Samdarshi, learned counsel for the petitioner states that the petitioner shall pursue the remedy before the said Forum. But, however, prays that a direction be issued for expeditious hearing and disposal of the matter, including the interim application which the petitioner would be preferring, seeking restoration of the electricity connection.

Prayer allowed with liberty aforesaid.

We only hope and expect the Forum to decide the main matter, as and when filed, on expeditious basis. Also,



petitioner’s application for restoration be decided expeditiously and preferably within a period of four weeks from the date of its filing.

Petition stands disposed of in the aforesaid terms.

Interlocutory application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	14/11/2022
Transmission Date	

