

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9398 of 2019

1. Dilip Kumar @ Mithlesh Kumar Son of Shri Rajendra Sah, resident of Mahesh Nagar, P.S.- Patliputra, Town and District- Patna.
2. Shyam Kumar Singh, Son of Sudhanshu Kumar Singh, resident of Plot No. 1425, Road No. 3B, Mahesh Nagar, P.S.- Patliputra, Town and District- Patna.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Electrical Executive Engineer, Electric Supply Division, Patliputra, Patna.
3. The Assistant Electrical Engineer, Electric Supply Sub-Division, Srikrishnapuri, Patna.
4. The Junior Electrical Engineer, Electric Supply Section, A.N. College, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, 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 JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (i) For issuance of a writ in the nature of certiorari for quashing of the inspection report dated 27.03.2019 which has been carried out in utter violation of the provisions of the Bihar Electricity Supply code, as also the Electricity Act, 2003.
- (ii) For a direction to the respondent authorities to restore the electric supply of the petitioners which has been disconnected in pursuance of the

inspection dated 27.03.2019.

(iii) For a declaration that without any artificial means found at the time of inspection, corroborating any illegal act of the petitioners, the Inspection Team could not have satisfied themselves objectively with regard to theft of electricity as envisaged under Section 135 of the Electricity Act, 2003; and for any other relief or reliefs to which the petitioners may be found entitled in the facts and circumstances of the case.

It is not in dispute that during the pendency of the present petition, the respondents have passed the final order, which also is placed on record, in terms thereof, the provisional order stands affirmed.

We notice that the authority passing the final order did not assign any reason. The order dated 27.03.2019 (Annexure-2 & 2/1) to say the least, is cyclostyle in nature; passed without application of mind; and assigning any reasons. As such, the same is quashed and set aside with liberty to the respondent authority to pass a fresh order.

Petitioner undertakes to fully corporate. In fact, he undertakes to appear before the appropriate authority on 8th of November, 2022 at 10:30 A.M. and place on record entire materials in support of his contention and the appropriate authority shall decide the same within a period of four weeks thereafter. Liberty reserved to the petitioner to challenge the order, should the need so arise.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	