

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9664 of 2022

=====

Chanda Sinha Wife of Sri Anchit Kumar Sinha Resident of L.N. Singh Lane,
Thakurbari, Mohalla- Sujapur P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy, Government of Bihar, Patna.
2. The South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road, Patna-1, Bihar.
3. The Managing Director South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna-1, Bihar.
4. The Chief Engineer (Commercial) South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna-1, Bihar.
5. Electrical Executive Engineer Electric Supply Division (Urban), South Bihar Power Distribution Company Ltd., Bhagalpur.
6. Asst. Electrical Engineer Electric Supply Division (Urban), South Bihar Power Distribution Company Ltd., Bhagalpur.
7. Add. Collector-cum-Public Complaint Redressal Officer Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate
For the Respondent/s : Mr.Subhash Prasad Singh (G.A. 3)

=====

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

Date : 10-08-2022

Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate writ/writs order/orders/direction/directions commanding the respondents to direct the respondent authorities to connect the electric Supply of the petitioner bearing Consumer No. 233303455907 forthwith which was illegally

disconnected without any prior notice to the petitioner.

(ii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to quash the illegal demand of Rs. 8,64,950/- in pursuance to illegal Bill for the month of August 2020 contained in Annexure-7 of the application.

(iii) For issuance of any appropriate writ/writs/order/orders/direction/directions to which the petitioner is entitled in accordance with law.”

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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	