

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12394 of 2019**

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Sushil Kumar S/o Late narmdheswar Singh R/o A/78 P.C. Colony,  
Kankarbagh, P.s.- Kankarbagh, distt.- Patna

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director
2. The South Bihar Power distribution Company Limited Vidyut Bhawan, Bailey Road, Patna through its Director
3. The Electrical Executive Engineer Kankarbagh, the South Bihar Power Distribution Company Limited, Patna
4. The Assistant Electrical Engineer Kankarbagh, the South Bihar Power Distribution Company Limited, Patna

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr.Ravindra Kumar, Advocate          |
| For the Respondent/s | : | Mr. Kumar Priya Ranjan, Advocate     |
|                      |   | Mr. Ankur Apurv Singh, Advocate      |
|                      |   | Mr. Girish Nandan Abhishek, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      06-12-2022      The petitioner has prayed for the following relief/s :-

“(i) declaration that the inspection dated 07.06.2019, which has been carried out in utter violation of the provisions of the Bihar Electricity Supply Code, 2007, as well as the circular issued by the erstwhile Bihar State Electricity Board, itself is bad in law, unjust and improper.

(ii) For a declaration that the meter which is capable of reflecting each and every parameters including traces of tamper/bypass, case under Section 135 of the Electricity Act cannot be instituted without



proper analysis of such data.

(iii) For a direction to the respondent authorities to download the data from the meter and provide the same to the consumer, so that, the consumer can file an effective objection under Section 126 of the Electricity Act, 2003.

(iv) For a declaration that in case where the consumer has directed to deposit the entire alleged loss and continuance of disconnection is completely unjustified.

(v) For a direction to the respondent authorities to restore the electric supply of the petitioner during pendency of the proceeding under Section 126 and 127 of the Electricity Act; and for any other relief or reliefs to which the petitioner is found entitled.

(vi) For a direction to the respondent authorities to reasonable opportunity given to the petitioner for filed his detailed objection against provisional assessment.”

During pendency of the present petition, the respondents themselves, notwithstanding the conduct of the petitioner, by taking a holistic view, have reduced the amount due and payable by the petitioner as is so indicated in paragraph no.7 of the counter affidavit dated 04.09.2019. The relevant paragraph No.7 of the counter affidavit is extracted hereinunder :-

“7. That provisional assessment order was



duly served to the petitioner vide Kankarbagh Electric Supply Sub-Division, Kankarbagh letter no.299 date 10.06.2019.

The petitioner filed his objection before the Junior Engineer as Superintending Engineer. well as

In response to his objection the Assessing Officer duly considered his objection and passed the final assessment order on 22.06.2019 reducing the amount of Rs. 1,18,190/- to Rs. 20,757/- only as per the mode of the calculation defined in the Supply Code.”

In view of the same, without going into the objections raised by the respondents with regard to the maintainability of the present petition, more so, in view of the petitioner’s conduct whose premises was raided by the officials on 07.06.2019 and the petitioner was found unauthorizedly tampering with the meter/connection, we dispose of the present petition.

Interlocutory application, if any, stands disposed of.

**(Sanjay Karol, CJ)**

**( Partha Sarthy, J)**

Ashwini/DKS

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