

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14423 of 2019

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Yogendra Mishra, S/o Late Pandit Manshiva Mishra, Resident of Mohalla-
Gorakhnath Path, Boring Road, P.O.- G.P.O., P.s.- Kotwali, Distt.- Patna

... .. Petitioner/s

Versus

1. Electricity Ombudsman, South Bihar Power Distribution Co. Ltd. South Bihar Power Distribution Co. Ltd. C/o Bihar Electricity Regulatory Commission, Vidyut Bhawan, Bailey Road, Patna-800001
2. Chairperson Consumer Grievance Redressal Forum (CGRF), Vidyut Bhawan-II, Bailey Road, Patna-800001
3. The Electrical Executive Engineer Electric Supply Division, NC, PESU (W), Patna
4. The Assistant Electrical Engineer Electric Supply Division, NC, PESU (W), Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mani Bhushan Kumar, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-12-2022 The petitioner has prayed for the following relief/s :-

“(i) An appropriate writ, order, direction quashing the order dated 14.03.2019 passed by the Respondent no. 1 as well as the order dated 27.04.2017 passed by the Respondent no.2, as contained in Annexure -4 & 5, respectively, be issued;

(ii) An appropriate writ, order, direction commanding the respondents 2nd party to refund/adjust the excess amount of bill charged from June, 2015 to 17.03.2017 on account of 3 phase line within the time frame be issued;

(ii) An appropriate writ/order/direction commanding the respondents to make payment of



compensation @ Rs. 100/- per day in terms of Standard of Performance Act (in short 'SOP) along with penalty of Rs 1000/- be issued.

(iv) Any other appropriate writ/order/direction which is found proper may be issued in favour of the petitioners.”

From the affidavit dated 24.09.2019 filed on behalf of respondent Nos. 3 and 4, namely, the Electrical Executive Engineer, Electric Supply Division, NC, PESU (W), Patna and the Assistant Electrical Engineer, Electric Supply Division, NC, PESU (W), Patna respectively, it is evidently clear that the petitioner's grievance stands redressed. A sum of Rs.3630/- stands deposited towards payment of bill from the period May, 2015 to February, 2017. The relevant paragraph Nos. 9 and 11 is extracted hereinunder :-

“9. That on 7-4-2017 Electrical Engineer, the Asstt. (Revenue) informed the forum that the 3 Phase meter has been installed in the premises of the petitioner on 17-3- 2017 and the bill of the petitioner has been corrected and he also submitted that copy of the rectified bill which shows that adjustment of Rs. 3630/- has been made in the bill for the period May 2015 to February 2017. A copy of the reply was available to the made counsel of the petitioner. The petitioner was also noticed on 10-4-2017 to file any objection but he failed to file objection and the case was disposed of on 27.04.2017.

11. That from perusal of encloser attached with rejoinder to reply filed on behalf of the



petitioner before filed the Electricity ombudsmen on behalf of the Respondent No.1 it is quite 3630/- has been apparent that Rs. adjusted by the To the bill Electrical Executive Engineer, in the bill issued for the month of October 2017 and the case of the petitioner was dismissed by the two fact finding forum constituted under the provisions of section 42 (5) and Electricity Act 2003.”

In this view of the matter, we are of the considered view that no other and further relief can be granted.

At this stage, learned counsel for the petitioner states that the petitioner be permitted to approach the concerned respondent.

Permission, as prayed for, is granted.

The instant petition stands disposed of with the aforesaid liberty.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/DKS

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