

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12902 of 2022

=====

Nand Kumar S/o Radha Krishna Lal, Resident of behind elit Petro, Benta,
VTC Balbhaddarpur, P.O.- Laheriasarai, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. North Bihar Power Distribution Company Limited, through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Electrical Executive Engineer, Electricity Supply Division, Darbhanga.
3. The Electrical Assistant Engineer, Electricity Supply Sub Division, Laheriasarai, Darbhanga.
4. The Junior Engineer, Supply Sub Division, Benta, Laheriasarai, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur, Advocate

For the Respondent/s : Mr.Vinay Kirti Singh, Sr. Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

=====

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

=====

Date : 09-09-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“(i) For quashing the inspection report
dated 09.12.2017 conducted by the respondent no.
3 whereby and whereunder the respondent no.3



found that the petitioner has commercial connection bearing Consumer NO. BTR/1028 corresponding to C.A. No. 400371187 and is consuming 3 KW but the meter was found tempered and the body seal of the meter was broken.

(ii) For quashing the inspection report dated 09.12.2017 conducted by the respondent no.3 whereby and whereunder the respondent no.3 found that the petitioner has domestic connection bearing Consumer No. BTR/959 corresponding to C.A No. 400367586 and is consuming connected load at 15 KW having sanctioned load at 2 KW but the meter was found tempered and the body seal of the meter was broken.

(iii) For quashing the final assessment order dated 09.03.2018 based on provisional assessment order dated 11.12.207 passed by the respondent no.2 whereby and whereunder the provisional bill at Rs.6,14,645/- for Domestic connection bearing Consumer No. BTR/959 and provisional bill at Rs.1,22,087/- for commercial connection bearing Consumer No.BTR/1028 has finally been fixed at Rs.4,66,101/- for Domestic connection and at Rs.40,316/- for commercial connection.”

Learned counsel for the petitioner fairly states that there is an equally efficacious remedy by way of an appeal provided under the Electricity Act, 2003.

As such, petitioner be permitted to withdraw the



present petition reserving liberty to take recourse to such action.

Liberty as prayed for is granted.

We are hopeful that as and when any such appeal is filed, the appropriate authority shall consider and decide the same expeditiously in accordance with law and not later than three months.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The appellate authority shall pass a speaking order, assigning reasons, copy whereof shall be supplied to the parties.

Liberty reserved to the petitioner to challenge the order, if required and desired.

The present petition stands disposed of with the liberty aforesaid.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	12.09.2022
Transmission Date	

