

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14657 of 2022**

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M/s. Shiv Shakti Agro Food Products through its proprietor Ms. Amrita Sharma (Female), aged about 35 years, wife of Anand Kumar, at Village- Baikatpur, Post Office- Khusrupur-803202, P.S.- Khusrupur, District- Patna.

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Company Limited through its Chairman-cum-Managing Director, Vidyut Bhawan Bailey Road, Patna.
2. The Electrical Executive Engineer-cum-Assessing Officer, M/s. South Bihar Power Distribution Company Limited, Electric Supply Division, Fatuha, District- Patna.
3. The Assistant Electrical Engineer, M/s. South Bihar Power Distribution Company Limited, Electric Supply Division, Fatuha, District- Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr.Ajay Prasad, 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 JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 09-11-2022**

Petitioner has prayed for the following relief(s):

“(i) For quashing the order dated 26.07.2022, whereas the final assessment order has been passed by the respondent No. 2 (Electrical Executive Engineer-cum-Assessing Officer, Electric Supply Division, Fatuha, Patna) whereas directed to pay the sum of Rs.16,10,453/- which includes energy charge loss by way of power theft and outstanding dues



of Rs.6,90,394/-.

(ii) For issuance of a direction to the respondent authority to restore the electric connection where the petitioner is ready to pay the 50 per cent of Rs.9,20,000/- (i.e. Rs.4,60,000/-) against the loss amount as per provision under section 127 of the Electricity Act, 2003 as well as petitioner is also ready to deposit the outstanding amount of Rs.6,41,000/- in three installments in pursuance of letter no. 410 dated 1-4-22 which is contained in Annexure-2 of this writ application.

(iii) For issuance of a direction to restore the electric connection immediately after deposit of total amounting of the amounts lost amount plus default installment of Rs.2,13,842/- as undertaking by the petitioner, the electric connection may be restored after deposit the said total amount of Rs.6,83,842/-.

(iv) For any other relief/reliefs as your Lordships may deem fit and proper in the interest of justice.”

It is not in dispute that the petitioner can avail an equally alternate and efficacious remedy by way of filing an appeal under Section-127 of the Electricity Act, 2003.

Considering the fact that the petitioner has been pursuing his remedies before this Court, the issue of limitation shall not be allowed to come in the way of adjudication of the



appeal on merits if the petitioner, as mutually agreed, were to prefer an appeal within a period of two weeks from today.

All issues of facts and law are left open for the authority to adjudicate on merits. Should the petitioner prefer an appeal within a period of two weeks from today, the appeal shall be adjudicated on merits. Also any application seeking interim relief, preferred by the petitioner, shall be considered on merits.

We only record that petitioner is ready and willing to pay some amount for restoration of the connection. Whether the same is permissible in law or not is left to be best adjudicated by the authority.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

**(Sanjay Karol, CJ)**

**( Partha Sarthy, J)**

K.C.Jha/DKS

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