

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2112 of 2023

Atul Kishore Son of Late Kishore Chandra Sarkar, Resident of - 45 Ajay Nilayan, Nageshwar Colony, Boring Road, PS- Buddha Colony, P.O.- GPO, District- Patna. Petitioner/s

Versus

1. The Chairman-cum-Managing Director, Bihar State Power Holding Company Limited.
2. The Managing Director, South Bihar Power Distribution Company Limited.
3. The Chairman, Bihar Electricity Regulatory Commission.
4. The Chairman, Consumer Grievance Redressal Forum, South Bihar Power Distribution Company Limited (West).
5. The Executive Engineer (Commercial) Bihar State Power Holding Company Limited, Patna, Bihar.
6. The Executive Engineer (Revenue), Bihar State Power Holding Company Limited, Patna, Bihar.
7. The Assistant Engineer (Revenue), Bihar State Power Holding Company Limited.
8. The Electrical Executive Engineer, Electricity Supply Division, New Capital, PESU (W), Patna, Bihar.
9. The Superintending Engineer, Patna Electricity Supply Unit/Undertaking, New Capital, Patna.
10. The General Manager, Patna. Electricity Supply Unit-Undertaking, New Capital, Patna.
11. The Assistant General Manager, Bihar State Power Holding Company Limited.
12. The Sub Divisional Officer/ Assistant Engineer (Revenue), Bihar State Power Holding Company Limited.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rohan Verma, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
For the BSPHCL	:	Mr. Kunal Tiwary, ASC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 16-05-2023 Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the following reliefs:-

"(i) For issuance of necessary



direction upon the respondent authorities to charge DPS (interest) on the petitioner's electricity bill for the month of 17.10.2016 only and not after that as the petitioner has filed complaint regarding fault in his Smart-Meter for running fast by letter dated 15.09.2016 and remainder letter dated 17.11.2017 (vide Annexure- 1) resulting in the petitioner not paying bill for the month of 17.10.2016 only thus DPS (interest) can be charged from the petitioner's original meter was with the department for testing which was a job of maximum a weeks time as per Bihar Electricity Regulatory Commission Standard of Performance of Distribution Licensee for which they took about 16 months, thus there has been delay in testing of the meter on the part of he South Bihar Power Distribution Company Limited (referred to as SBPDCL hereinafter) after filing of complaint by the petitioner for defect in the meter for which they have penalized the petitioner by continuously adding interest over the DPS (interest) amount which they charged the petitioner for the month of 17.10.2016.

(ii) For issuance of necessary direction upon the respondent authorities to waive of payment of 50% of the total bill amount which has exceeded to the tune of Rs. 1,50,000/ approx. due to arbitrary addition of compounded DPS (interest) to be paid by the order of the Chariman-Consumer Grievance Redressal Forum, SBPDCL, Bihar State Eelectricity Board, Patna in case No. 38/2018 because as explained in the 1st relief on the petitioner in not appropriate therefore payment of 50% of the DPS (interest) amount by the petitioner by the order of the Chairman- CGRF is not best in the interest of justice.

(iii) For necessary direction to the



respondent authorities for stay of the order of the Chairman- CGRF, BSEB, Patna of the part where he directs the SBPDCL to disconnect the power of the house of the petitioner for non-payment of 50% of the arbitrary bill amount.

(iv) For issuance of necessary direction upon the respondent authorities to charge the electricity bill of the petitioner without DPS (interest) till the matter is decided by this Hon'ble Court.

(v) For issuance of necessary direction upon the respondent authorities for payment of compensation for delay in testing my Meter as per the guidelines of BIHAR ELECTRICITY REGULATORY COMMISSION STANDARDS OF PERFORMANCE OF DISTRIBUTION LICENSEE with appropriate applicable rate of interest as per law.

(vi) For any other direction which you Lordship may deem fit and proper in the facts and circumstances of the case."

3. The petitioner has alternative remedy before the appropriate authority under the Electricity Act, 2003. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to invoke statutory remedy.

4. With the aforesaid observations, the present petition stands disposed off.

(P. B. Bajanthri, J)

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