

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5999 of 2023

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Prameela Devi, Wife of Mahesh Singh, Resident of Village-Onama, P.S.-
Shekhopur Sarai, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited, through its Managing Director, S.B.P.D.C.L., Vidyut Bhawan, Patna.
2. The South Bihar Power Distribution Company Limited, through its Managing Director, S.B.P.D.C.L., Vidyut Bhawan, Patna.
3. The Electrical Executive Engineer, Electric Supply Division-Sheikhpura, Bihar
4. The Assistant Electrical Engineer, Electric Supply, Sub Division, Barbigha, P.S.-Shekhopur Sarai, District-Sheikhpura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Richa, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 10-10-2023

Heard the learned counsels for the parties.

2. This writ petition has been filed for seeking the following relief(s):

“A. For quashing the letter No. 424 dated 25.10.2021 issued by the respondent No. 2 whereby and where under respondent No. 2 issued an assessment order to petitioner for Rs. 1,47,173 (Rs. One lakh, forty seven thousand, one hundred & seventy three rupees only) on the alleged allegation that petitioner has damaged the Revenue of the respondents for the amount as stated for using electricity through bypass.



B. For issuance of any other writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner states that only on the complaint made by the petitioner, the authority concerned have visited the subject premises of the petitioner and the seizure report was prepared. Learned counsel has stated that no independent witnesses were available as on that date and only the department persons were present at the time of preparing the seizure report. Learned counsel further has stated that though the petitioner has filed her objections on 30.10.202 to the provisional assessment order dated 25.10.2021 itself, the authority concerned till date has not passed the final assessment order which is contrary to the provisions of Section 126(3) of the Electricity Act. Section 126(3) of the Act mandates that the final assessment order should be passed within a period of thirty days. Learned counsel has stated that the authority concerned have not found any tampering in the meter and change from transformer was made in the presence of the representatives of the Electricity Department. Therefore, prays this Hon'ble Court to allow the present writ petition and direct the authority concerned to



restore the power supply to the petitioner's unit.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner has an alternative and efficacious remedy of approaching CGRF or paying the entire amounts due as per the provisional assessment order and therefore, prays this Hon'ble Court to dismiss the present writ petition.

5. Admittedly in the present case, the provisional assessment order was passed on 25.10.2011 and the petitioner has also submitted the explanation/objections on 30.10.2021. Section 126(3) of the Electricity Act mandates that the authority concerned has to pass the final assessment order within a period of thirty days from the date of receipt of the objections. However, in this case even though two years have elapsed, the authority concerned have not passed the final assessment order.

6. Having regard to the above without going into merits or demerits of the case, this Court is of the prima facie opinion that, the ends of justice would be met, if the authority concerned is directed to pass final assessment order duly taking into consideration the objections filed by the petitioner. In case



the petitioner wants to file any fresh evidence or fresh objection petition, the same shall be permitted and taken on record and necessary orders shall be passed.

7. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possibly preferably within a period of two weeks from the date of receipt of the copy of this order. In case the final assessment orders are not passed within the stipulated period, the authority concerned shall be obligated to restore the power supply to the petitioner however the same shall be subject to the final assessment order. Any order passed shall be communicated to the party.

8. Accordingly, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.10.2023
Transmission Date	

