

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12646 of 2019

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Urmila Devi Sah, wife of Sri Jagdish Prasad Sah, resident of D.N. Singh Road, Kharmanchak, P.S. Adampur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Co. Ltd. through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Managing Director, South Bihar Power Distribution Co. Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The Executive Engineer, South Bihar Power Distribution Co. Ltd., Bhagalpur.
4. The Asst. Electrical Engineer, South Bihar Power Distribution Co. Ltd., Mojahidpur, Bhagalpur.
5. The Junior Electrical Engineer, Electric Supply Division, Naya Bazar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner : Dr. Manoj Kumar, Advocate.
For the SBPDCL : Mr. Vinay Kirti Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-02-2023 Heard Dr. Manoj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Vinay Kirti Singh, learned counsel appearing on behalf of the South Bihar Power Distribution Company Limited.

2. Petitioner has restricted his prayer to the extent that his tenant is ready to apply for a fresh electric connection to be supplied in the premises owned by the petitioner. Petitioner don't want to press the present writ petition in view of Sub-Clause (iii) of Clause 4.1, Chapter – IV of Bihar Electricity Supply Code, 2007 which was substituted by BERC Case No.



18/2013-02, dated 18.05.2015, which, *inter alia*, as follows:

“(iii) If there are arrears of electricity dues on a premises, a new connection may be refused to a new applicant on the same premises if the applicant being an individual is an associate or relative as defined in Section 2 and 6 respectively of the companies Act, 1956 of the defaulting consumer, or where the applicant being a company or body corporate or association, or body of individuals, whether in corporate or not, or artificial judicial person, is controlled, or having controlling interest in the defaulting customer. Provided the Licensee shall not refuse electric connection on this ground, unless an opportunity to present his case is provided to the applicant and reasoned order is passed by an officer designated by the licensee for this purpose and the order of refusal shall be communicated within one month of receipt of the application.”

3. Since the present case has been filed by the petitioner and in absence of any tenant as on date with whom the petitioner has entered into agreement, no direction can be issued and accordingly, the writ petition stands dismissed.

4. However, it is made clear that in future if any tenant who fulfills the conditions laid down in Sub-Clause (iii) of Clause 4.1 of Chapter IV of Bihar Electricity Supply Code, 2007, the concerned authority may decide to grant new electricity connection in accordance with law.

(Purnendu Singh, J)

Mantreshwar
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