

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15330 of 2022

Sakara Agro Food Pvt. Ltd., through one of its Director, namely Kiran Devi, (female) aged 53 Years, wife of Rakesh Kumar, Resident of Mohalla- Gauri Das Ki Mandi, Police Station- Malsalami, Patna City, Patna.

... .. Petitioner/s

Versus

1. The Chairman-cum-Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairperson-cum-Electrical Superintending Engineer, Consumer Grievance Redressal Forum, Electric Supply Circle, Patna, R-Block, Patna-800001.
3. The Electrical Executive Engineer, Electric Supply Division, South Bihar Power Distribution Company Limited, Fatuha.
4. The Assistant Electrical Engineer, Electric Supply Division, South Bihar Power Distribution Company Limited, Fatuha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
For the SBPDCL	:	Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-02-2023 Heard Ajay Kumar, learned counsel appearing on behalf of the petitioner, Mr. Vinay Kirti Singh, learned senior counsel appearing on behalf of the respondent/s and Mr. Akhileshwar Singh, learned counsel for the South Bihar Power Distribution Company Limited.

2. Petitioner is aggrieved by the action of the South Bihar Power Distribution Company Limited.

3. The petitioner namely, Sakara Agro Food Pvt. Ltd. is engaged in manufacturing of Atta, Maida and Suji and for the said purpose, had applied before the South Bihar Power



Distribution Company Limited for electricity connection. The application of the petitioner was considered by the Electrical Executive Engineer, Electrical Supply Division, having jurisdiction and it was found that the petitioner unit has been established by the same board of directors, who were running one other unit in name of Shiv Shakti Agro Food Product in a different premises. The said unit as on date is a sick unit.

4. The fact reveals that the penal bill raised on account of theft is Rs. 9,20,059/-. The petitioner had approached this Court by filing CWJC No. 14657 of 2022 in which *inter alia* following order was passed:

“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 the best adjudicated by the authority.

Petitioner is disposed of in the aforesaid terms.

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



5. In compliance of the order dated 09.11.2022, the petitioner has not made any specific statement that an appeal has been filed.

6. As the petitioner has not been able to inform this Court that any Appeal is pending filed in compliance of order dated 09.11.2022 passed in CWJC No. 14657 of 2022 the present writ petition appears to be misconceived. The petitioner however, file appeal in compliance of this Court order dated 09.11.2022.

7. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

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