

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1238 of 2023

In

Civil Writ Jurisdiction Case No.9742 of 2020

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1. The South Bihar Power Distribution Company Limited Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
 2. The General Manager (Revenue), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
 3. The Electrical Executive Engineer, H.T. Cell, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
 4. The Electrical Executive Engineer, Electric Supply Division, Fatuha, District - Patna.

... .. Appellant/s

Versus

M/s Gokul Steels Private Limited a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at 1B, Durga Vihar Commercial Complex, S.P. Verma Road, P.S. - Kotwali, Patna 800001, and its works at Hardas Bigha, Near Khusrupur, Fatuha, District Patna, through its Director, Raunak Madho Garia, aged about 29 years (Male), Son of Dilip Kumar Madhogaria, resident of Exhibition Road, Flat No. 402, Ambition Residency, Behind Narain Plaza, P.S. Kotwali, P.O. GPO, District Patna.

... .. Respondent/s

with

Letters Patent Appeal No. 1237 of 2023

In

Civil Writ Jurisdiction Case No.9742 of 2020

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1. The South Bihar Power Distribution Company Limited Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
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Flat No. 402, Ambition Residency, Behind Narain Plaza, P.S. Kotwali, P.O.
GPO, District Patna.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1238 of 2023)

For the Appellant/s : Mr.Kunal Tiwary, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate
Ms. Parul Prasad, Advocate

(In Letters Patent Appeal No. 1237 of 2023)

For the Appellant/s : Mr.Kunal Tiwary, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate
Ms. Parul Prasad, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-11-2023 **Re: I.A. No. 2 of 2023 in LPA No. 1237 of 2023**

The Interlocutory Application has been filed for
condoning the delay of 40 days in filing the memo of appeal.

2. Having gone through the affidavit, we are satisfied
that there are sufficient grounds shown to condone the delay.

3. As such, we condone the delay in filing the memo
of appeal and allow the Interlocutory Application.

Re: LPA Nos. 1238 of 2023 and 1237 of 2023

4. The two appeals are filed from two separate orders
in the same writ petition. In LPA No. 1237 of 2023 the challenge
is against order dated 08.09.2023 wherein considering the



counter affidavit filed by the respondents/appellants, to the effect that no coercive steps including disconnection of the power supply of the writ-petitioner would be carried out; the disconnection effected by the appellants was frowned upon and there was an interim direction to restore the power supply. In LPA No. 1238 of 2023 the challenge is against the order dated 09.10.2023 which refused recalling of the interim order earlier passed dated 08.09.2023 and also the permission sought to withdraw the earlier counter affidavit filed.

5. We were of the opinion that there was nothing to be interfered in the appeals filed and we directed the electricity connection to be restored; which the learned Senior Counsel submits has been restored and there is substantial compliance of the order impugned in LPA No. 1237 of 2023.

6. The appeals hence would stand closed and we request the learned Single Judge to expedite the hearing in the writ petitions and not initiate any contempt proceedings. We make it clear that till the disposal of the writ petitions there shall be no disconnection, subject to the condition that the writ-petitioner also would be paying the future monthly bills on time and shall not take unnecessary adjournment and shall cooperate with the hearing of the writ petitions.



7. Interlocutory Application(s), if any, shall stand closed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

P.K.P./-

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