

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21955 of 2019

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Ajay Kumar Singh, S/o Late Sri Krishna Singh, resident of mohalla- Sanjay
Gandhi Nagar, Road no. 8, Hanuman Nagar, Kankarbag, Patna- 800020.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd. through its Managing Director, Jawahar Lal Nehru Marg, bailey Road, Patna- 800021.
2. The Managing Director, South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Jawahar Lal Nehru Marg, Bailey Road, Patna- 800021.
3. The Electrical Executive Engineer, Electric Supply Division, Kankarbag, Patna.
4. The Assistant Electrical Engineer, Electric Supply Sub- Division, Kankarbag, District- Patna- 800020.
5. The Junior Electrical Engineer, Electric Supply Section, Hanuman Nagar, Kankarbagh, Patna- 80020.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhanendra Choubey
		Mr. Dineshwar Tiwary, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 06-02-2023 Heard Mr. Dhanendra Choubey, the learned

Advocate for the petitioner and Mr. Vinay Kirti Singh, the

learned Senior Advocate for the South Bihar Power

Distribution Company Ltd (hereinafter referred to as

"SBPDCL").



The challenge in this writ petition is to the imposition of a penalty and a bill of the amount of Rs. 75, 724/- against the writ petitioner, which was assessed on the basis of an average calculation for one year.

The learned counsel for the petitioner has argued that only on the basis of a stray complaint, an additional meter with optical scanner was installed in his house, which was connected in series. Later, it was found that there was no tampering of the meter.

However, the additional meter which was set up by the Electricity Department reflected that the original meter installed in the house of the petitioner was running slow by 82.85%.

On such assessment, a fresh meter was installed in the house of the petitioner and the bill was prepared, keeping the figure arrived at by doubling the last bill generated for one year and the petitioner was asked to pay Rs. 75, 724/-.

The petitioner objected to such assessment on various grounds including breach of the Supply Code which



only permitted the supplier /electricity provider to charge, in such circumstances, for three months, but it did not yield any result.

Fearing disconnection, such amount was paid by the petitioner but under protest.

Mr. Vinay Kirti Singh, the learned Senior Advocate for the SBPDCL submits that according to the Supply Code, the petitioner ought to have been asked to pay the amount for three months and that also to be counted from the first date of inspection. He, therefore, submits that the SBPDCL would be ready to revise such assessment, even post payment, if suitable complaint is now made before the concerned authority, namely, Junior Electrical Engineer, Hanuman Nagar Section, Hanuman Nagar, Kankarbagh, Patna with a period of 15 days.

Should the Junior Electrical Engineer, referred to above, find that the petitioner was charged more than what was required, he would pass an order accordingly and would have the petitioner refunded the extra amount which has already been deposited by him.



The amount which would be required to be refunded could also be adjusted in current electricity bills of the petitioner as he still remains a consumer of the SBPDCL.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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