

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2445 of 2017

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Nisha Singh Wife of Banke BihariSingh, Resident of Sitla Asthan Road,
Tilkamanjhi, P.S.- Tilkamanjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Enenergy, Govt. of Bihar, Patna
2. The General Manager, Bihar State Power Distribution Company Limited, Bhagalpur.
3. The Executive Engineer Urban, Bihar State Power Distribution Company Ltd., Bhagalpur.
4. The Assistant Engineer Urban, Bihar State Power Distribution Company Ltd., Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha, Advocate
		Mr.Mrityunjay Kumar Mishra, Advocate
For the SBPDCL	:	Mr.Kumar Priya Ranjan, Addl. SC
	:	Mr.Sandeep Kumar, Advocate
	:	Mr.Sudarshan Bharadwaj, Advocate
For the Respondent/s	:	Mr.Syed Hussain Majeed

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 08-10-2024

1. The Writ petition is filed to direct the respondent/Executive Engineer (Urban), Bihar State Power Holding Company Ltd., Bhagalpur to give domestic electricity connection to the house of the petitioner situated at Sitla Ashtan Road, Tilkamanjhi, District-Bhagalpur against the application dated 09.08.2010, which was not considered because of existing



liability of Rs. 7,61,422.20 with respect to Consumer I.D. No. 1511/28A/DS/28212, Meter No. 222814 which was in the name of one Anil Barun Ghosh (vendor) and for the aforesaid liability, a certificate case was filed by the respondent/Executive Engineer against the petitioner in Certificate Case No. 54/2012-13 in which the petitioner was exonerated from the liability against the said dues of Rs. 7,61,422.20 with interest i.e. total amount of Rs. 9,32,386.79 along with a direction to give new electricity connection by installing new meter vide order dated 11.08.2015 passed by the Certificate Officer, Bhagalpur in Certificate Case No. 54/2012-13.

2. This Court at the time of admission has passed the following order:-

“In this case, the petitioner is seeking relief of giving direction for granting electric connection, having been refused on the ground of outstanding dues of Rs. 9,32,386.79/, but this issue has already been settled, which is apparently clear from the order passed by the Certificate Officer, whereby he has held that liability cannot be fastened over the head of the petitioner, the



money has to be recovered from Anil Barun Ghosh, in whose name electric connection was standing and is the heir of original owner of the property from whom the petitioner has purchased the same.

Let the Power Holding Company take instruction in the matter and inform the ground of refusal of granting electric connection.”

3. Further, 29.06.2017 this Court has passed order that power connection cannot be given to the petitioner and it will be only subject to result of the appeal.

4. Supplementary Counter affidavit was filed by the respondent Nos. 2 to 4 wherein it was stated by the respondents that an appeal vide Certificate Appeal Case No. 14/16-17 was preferred by the respondents against the Certificate Case No. 54/2012-13 and the Appellate authority was pleased to pass an order on 20.04.2018 by setting aside the order dated 11.08.2015 passed by the Certificate Officer, in Certificate Case No. 54/2012-13 and the case was remitted back to the Certificate Officer for passing fresh orders.



5. It is the contention of the Learned counsel for the petitioner that the Writ petition is filed only to direct the respondent authority to allot new electric connection to the petitioner and there is no liability on the part of the petitioner to pay the dues of one Anil Barun Ghosh. Admittedly, Anil Barun Ghosh was the vendor of the petitioner and the said vendor of the petitioner did not pay the electricity bills instead of clearing the previous electricity bills, a new connection was sought by the petitioner for the same premises.

6. Admittedly, against the Certificate Case No. 54/2012-13, the respondents have preferred an appeal which was allowed by remitting the matter to the Certificate Officer for passing a fresh order and the said order was passed in the year, 2018 itself. It is the contention of the Learned counsel for the petitioner that Certificate Officer is not disposing of the case.

7. Taking into consideration that the matter was pending before the Certificate Officer as per the order of the appeal dated 20.04.2018, the Certificate Officer is



directed to dispose of Certificate Case No. 54/2012-13 within period of six months from the date of receipt/production of a copy of this order.

8. Further, petitioner as well as respondent shall cooperate with the proceedings, to enable the Certificate Officer to dispose of the matter within the stipulated time period.

9. With the abovesaid direction, the Writ petition is disposed of. A copy of the order may be communicated to the District Magistrate, Bhagalpur.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2024
Transmission Date	

