

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19287 of 2015**

Ram Sewak Mahto son of Late Ganga Ram Mahto, Resident of Village-Keota, P.O. and P.S.- Dalsingsarai and District- Samastipur.

... .. Petitioner

Versus

1. Bihar State Electricity Board through its Chairman, Bidhut Bhawan, Baily Road, Patna.
2. Chairman, Bihar State Electricity Board, Bidhut Bhawan, Baily Road, Patna.
3. Finance Controller, Bihar State Electricity Board, Bidhut Bhawan, Baily Road, Patna.
4. General Manager-cum-Chief Engineer, Bihar State Electricity Board, Darbhanga.
5. Electric Executive Engineer, Electric Supply Division, Samastipur.
6. Assistant Electric Engineer, Electric Supply Division, North Bihar Power, Distribution Company Ltd. Dalsingsarai, Samastipur.
7. Revenue Officer, Rural Revenue Franchises 11Kv Pagra Feder, Dalsingsarai, Samastipur.
8. Junior Electric Engineer, Vidyapati Nagar, Rular Division, Dalsingsarai, Samastipur.

... .. Respondents

**Appearance :**

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|---------------------|---|----------------------------------|
| For the Petitioner  | : | Mr. Md. Abu Shajar, Advocate     |
|                     | : | Mr. Md. Abu Haidar, Advocate     |
| For the Respondents | : | Mr. Vinay Kirti Singh, Advocate  |
|                     | : | Mr. Ratan Prasad Sinha, Advocate |

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**

ORAL ORDER

**11    04-04-2024**                      Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

2. The writ petition has been filed for issuance of direction commanding the respondents to quash the Notice/Electric Bill dated 09.07.2015 and to assess/calculate the Electric Bill in accordance with law on the basis of the average



fixed rate as per the agreement between the petitioner and the respondents and to accept the full payment of Rs. 10,000/- (Rupees ten thousand only) which was deposited in pursuance of impugned notice issued by the respondents.

3. The brief facts of the case are that the petitioner is the consumer of the respondents *vide* consumer no. DSS/7803589 KTA/DS2/60 and the petitioner's meter was sometime disordered and due to non-supply of the new meter, the respondent agreed to fix average rates of Rs. 27/- per month and accordingly, the Bills are paid without any interruption.

4. Due to old age, the petitioner was suffering from several diseases and he is living with his family members at Patna. The petitioner received the notice issued by the respondents in connection with the aforesaid Bills, where it was noticed that no dates were mentioned, but the due Bills dates were mentioned as 09.07.2015 of Rs. 26,761.56 till 24.02.2015. After receiving the notice, the petitioner rushed to the concerned respondents and requested them to assess/calculate the Electric Bill on the average fixed rate in accordance with the law, but the respondents without assessing the Electric Bill, dis-connected the electric supply due to which the petitioner was forced to deposit Rs. 10,000/- towards full payment and later the supply



of electricity was restored.

5. The contents of the petition further disclose that the petitioner was harassed by the respondents and the petitioner was ready to pay the amounts, if the Bills are calculated in accordance with law and therefore, payed to quash the impugned notice.

6. On the other hand, a detailed counter affidavit was filed by North Bihar Power Distribution Company Limited (Erstwhile Bihar State Electricity Board). It is the specific contention in the counter affidavit that the writ petition itself is not maintainable as the petitioner has not availed the alternative remedy by preferring a case before the Consumer Grievance Redressal Forum, constituted under the Provision of Sub-Section (5) of Section 42 of the Electricity Act, 2003. The counter affidavit also disclose that the forum shall take up any kind of grievances/complaints as defined in Regulation 2(1)(f), which deals with the definition of 'Complaint'.

7. Complaint means any grievance made by a complainant in writing on:

*(i). defect or deficiency in electricity supply or service provided by the licensee;*

*(ii). unfair or restrictive trade practices of licensee in providing electricity services;*

*(iii). charging of a price in excess of the*



*price fixed by the Commission for supply of electricity and allied services;*

*(iv). errors in billing*

*(v). erroneous disconnection of supply;*

*(vi). electricity services which are unsafe or hazardous to public life in contravention of the provisions of any law or rule in force; or*

*(vii) any other grievance connected with the supply of electricity by the licensee to the consumers except grievances arising under Sections 126, 135 to 139, 143, 152 and 161 of the Act.*

8. The counter affidavit also disclose that there was no such agreement between the petitioner and the respondents to calculate the Electricity Bill on the basis of fixed average rate as alleged by the petitioner, and further, the petitioner was allowed to made part payment of outstanding dues accumulated due to non-payment of consumption Bill since long time, and therefore, prayed to dismiss the writ petition as it is not maintainable.

9. On perusal of the records, it is evident that the petitioner is the consumer and can prefer a 'Compliant' under the category of the Regulations 2(1)(f) of Bihar Electricity Regulation Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006. Clause 2(1)(f) Sub-Rule 4 & 5 deals with error in billing and erroneous disconnection of supply. Admittedly, there is an alternative



remedy available for the petitioner. Without availing the alternative remedy the present writ petitioner was filed and, therefore, this Court is of the considerable view that the writ petition itself is not maintainable. Further, the rights of the petitioner are no way infringed in any manner.

10. If at all, the petitioner has grievance against the respondents, he is always at liberty to approach CGRF.

11. With the above observations, the writ petition stands disposed of.

**(G. Anupama Chakravarthy, J)**

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