

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9315 of 2024

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Sobha Singh, Female, Aged about 47 years, Wife of Rajnish Kumar Singh
Resident of Village/Mohalla- Brahampur House, Police Colony, Paharpur
P.S.-Gardanibag, District-Patna.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited through its Chairman, Vidyut Bhawan, Income Tax Golamber, Patna.
2. The Executive Engineer, South Bihar Power Distribution Company Limited, Kankarbagh, Patna.
3. The Sub-Divisional Officer-Cum-Assistant Engineer, Electricity Department, Sub-Division Office, Supply Division, Ramkrishna Nagar, District-Patna.
4. The Junior Engineer, Electricity Department, Sub-Division Office, Supply Division, Area-Khemnichak, P.S.-Ram Krishna Nagar, District-Patna.
5. Vikram Singh Son of Gupteshwar Singh Resident of Flat No. 406, Brahamdeo Place, New Brahampur, Opposite I.T.I. College, P.O.-Jaganpura, P.S.-Ram Krishna Nagar, District-Patna.
6. Smt. Sushila Sah, Wife of Vikram Singh Resident of Flat No. 406, Brahamdeo Place, New Brahampur, Opposite I.T.I. College, P.O.-Jaganpura, P.S.-Ram Krishna Nagar, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate.
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate.
For the SBPDCL : Mr. Deepak Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For issuance of a writ in the nature of mandamus directing and commanding the respondents authority to connect the electricity connection/supply in the name of the petitioner in her house which is situated on



Khata No. 114/112, Plot No. 644, 644/866, area-42871 sq. ft. (98.41827365 decimal), Mohalla-Adarsh Colony, Khemni Chak, P.S. Ramkrishna Nagar, District Patna.

(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions to realize the bill Rs. 2,39,932/- and outstanding dues of Rs. 3,35,712/- of Khata No. 100759476, Consumer I.D. No. 597447 from Respondent No. 5 who had consumed the electricity bill. As well as order to respondent No. 5 to deposit electricity bill which has been consumed by him. As well as to realize the bill Rs. 3031.10 of Khata No. 101361312, from Respondent No. 6 who had consumed the electricity bill.”

3. It is the case of the petitioner that the petitioner is the owner of the subject premises and he has leased out the subject property to the Respondent Nos. 5 and 6. That the Respondent Nos. 5 and 6 during their stay have taken a separate electric connection and defaulted in making the consumption charges to the Corporation.

4. Learned counsel for the petitioner has stated that the petitioner has applied for a new connection but the same has been denied on the ground that there are arrears of electricity. Learned counsel has tried to convince this Court that the Respondent-Authorities are duty bound to take necessary steps against the Respondent Nos. 5 and 6 for arrears of the electricity but they cannot deny the new connection to the petitioner on the ground that arrears of electricity are pending.

5. Learned counsel appearing on behalf of the



Respondent-Power Holding Company has vehemently opposed the very maintainability of the present writ petition and stated that the owner of the premises is bound to clear all the dues, if any, of the tenant before seeking any new connection. Learned counsel has drawn the attention of this Court to the Clause 4.15 (vi) of the Bihar Electricity Supply Code which reads as under:-

“6. That it is further relevant to submit here that as per 4.15 (vi) of Bihar Electricity Supply Code ‘In case the electricity connection to that said premises was given with the consent of house owner, such person shall ensure the payment of all arrears/dues of electricity by the tenant before the tenant vacates the premises’.

It is the duty cast upon the petitioner (landlord) to get the dues of electricity paid by the tenant before the tenant vacates the premises.”

6. Having regard to the above, this Court does not find any merit in the present CWJC, the petitioner, if he is so advised, can clear the arrears of electricity and then seek a new connection. He is also free to file a civil suit for recovery of the amounts against the Respondent Nos. 5 & 6.

7. The writ petition is, accordingly, disposed of.

(A. Abhishek Reddy, J)

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