

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15765 of 2022

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Praveen Kumar Sinha son of Lakshmeshwar Prasad Sinha, Resident of
Village- Naibasti Mahadeva Siwan, P.S.- Siwan Mufassil, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy, Government of Bihar, Patna.
2. The Chairman, Electricity Board, Bihar, Patna.
3. The Managing Director, North Bihar Power Distribution Company Limited, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The Executive Electric Engineer, Electric Supply, Power Division, Siwan.
6. The Assistant Electric Engineer, Electric Supply, Power Division, Siwan.
7. The Junior Electrical Engineer, Electric Supply Division-2, Siwan.
8. The Additional Collector Cum Public Grievance Redressal Officer, Siwan.
9. The SHO, Siwan Mufasil Police Station, District- Siwan.
10. The SHO, Siwan Town Police Station, District- Siwan.
11. Sri Nag Narayan Singh Son of Late Mahatam Singh, Resident of New Basti, Siwan, P.S.- Siwan Mufasil, District Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv.
For Private Respondent	:	Mr. Ajay Kr. Singh, Adv.
	:	Mr. SN Singh, Adv.
For Respondent	:	Mr. Kunal Tiwary, Adv.
For the Respondent/s	:	Mr. Yogendra Pd. Sinha (Aag7)

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

Date : 04-07-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following
reliefs:-

*“i. For issuance of direction to the
officers of the North Bihar Power Distribution
Company Limited, to immediately restore the
electric connection / electric supply maintained
in the rented shop of the petitioner having*



Consumer No. 401728817, Consumer ID 2181386187, which has been disconnected on the application of the private respondent (the Land Lord) in spite of the fact that the electric connection in the rented shop was obtained only after permission of the owner of the shop which has been admitted in the order of the Public Grievance Redressal Officer, Siwan and further the authority of the North Bihar Power Distribution Company Limited have also accepted in writing that they granted electric connection in the shop and in the name of the petitioner only after following all procedure.

ii. For any other relief/reliefs for which the petitioner may be deemed entitled to.”

3. It is the case of the petitioner that he is the tenant of the respondent No. 11 herein and that the respondent-Electricity Department has disconnected the power lines without giving any prior notice to the petitioner at the insistence of the respondent No. 11.

4. Learned counsel for the petitioner has stated that the petitioner had taken the electricity supply to the shop that was rented to the petitioner by the respondent No. 11 vide Consumer No. 401728817, Consumer ID 2181386187. That the petitioner was paying the monthly electricity charges to the respondent-Electricity Department in time and there was no grievance against the petitioner. However, on the application made by the respondent No. 11, the authorities have disconnected the power supply. Learned counsel has stated that once the connection was given in the name of the petitioner, the disconnection done at the behest of



the respondent No. 11 is illegal, arbitrary and contrary to the provisions of the Act. Further, learned counsel has stated that the authorities without putting the petitioner on show cause notice have disconnected the electricity supply which is against the principles of natural justice and equity. Learned counsel has relied on the judgment of the Hon'ble Supreme Court in the case of ***Dilip (Dead) Through Lrs. Vs. Satish and Others*** reported in **2022 SCC Online SC 810** to buttress his case. Learned counsel has therefore, prayed for allowing the present writ petition with a direction to the respondent authority to restore the power supply.

5. Learned counsel appearing on behalf of the respondent authority while admitting that the petitioner had taken the connection in his name after obtaining the consent of the landlord i.e., respondent No. 11, however, has stated that on the application made by the respondent No. 11, the authorities had to take necessary action as he was the landlord. Learned counsel has stated that they have no objection for restoring the power supply in case the petitioner submits a 'No Objection Certificate' from the respondent No. 11 and that they are willing to abide by any conditions that may be imposed by this Court.

6. Learned counsel appearing on behalf of the respondent No. 11 while admitting that the petitioner is a sub-



lessee of the original tenant, has also admitted that the petitioner is in a physical possession of the subject land. Learned counsel has stated that the petitioner is a chronic defaulter and the connection which was obtained in the name of the petitioner was without the consent of the respondent No. 11. That the petitioner is trying to grab the property belonging to the respondent No. 11 under the guise of the electricity connection taken in his name. Learned counsel has therefore, prayed to dismiss the present writ petition.

7. Admittedly in the present case, the fact that the petitioner has obtained an electricity connection in his name after obtaining necessary consent from the respondent No. 11 has not been denied by the official respondents. It is also not denied that the petitioner is in physical possession of the subject premises in question. Further, it is to be noted that the respondent authorities without putting the petitioner on notice and or giving him a show cause notice have disconnected the power supply at the behest of the respondent No. 11. This Court as well as the Hon'ble Supreme Court in a catena of cases has held time and again that the civic authorities i.e., Electricity Department, Municipal Authority etc. etc. cannot take the sides of the parties, more so, where there is a dispute between a landlord and tenant. If the landlord has any grievance against the petitioner either for getting him vacated or



for non-payment of the monthly rents, his remedy is to approach the competent Civil Court by filing a suit for eviction or for recovery of the rent but he cannot take the help of the civic authorities like the Electricity Department to disconnect the power connection and harass the tenant. The authorities are also not expected to take sides at the behest of the landlord. It is also settled law that merely because, the electricity connection is given in the name of the tenant, the same will not become a source of title for the tenant. The Hon'ble Supreme Court in the case of ***Dilip (Dead) Through Lrs. Vs. Satish and Others*** reported in **2022 SCC Online SC 810** has held as under;

“9. It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.”

8. Having regard to the above settled proposition, the present writ petition is allowed, the authorities are directed to restore the power supply which was initially granted to the petitioner vide Consumer No. 401728817, Consumer ID 2181386187 as expeditiously as possible preferably within a



period of two weeks from the date of receipt of a copy of this order. In case there are arrears on the said Consumer No., the petitioner is bound to pay the same. This order does not preclude the landlord from approaching the competent Civil Court if there are any rental dues which are payable by the petitioner herein or for getting him evicted.

9. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2024.
Transmission Date	NA

