

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16087 of 2023**

=====

Nitesh Kumar son of Srin Tarkeshwar Prasad Singh, resident of mohalla-  
Kath Ki Deviji, Nehruchak, Barhai Tola, P.S. Alamganj, P.O. Guljarbagh,  
District- Patna (Bihar), Pin Code-800007

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Company Limited Vidyut Bhawan,  
Bailey Road, Patna through its Managing Director.
2. The Electrical Executive- Engineer, Eclectic Supply Divisional Office,  
South Bihar Power Distribution Company Limited, Kumhrar, District-  
Patna,
3. The Assistant Electrical Engineer, Electric Supply Divisional Office, South  
Bihar Power Distribution Company Limited, Kumhrar, District- Patna.
4. Manoj Kumar Gupta, son of late Krishnandan Prasad, resident of  
mohalla- Bari Patandevi Road, Punchwati Colony, P.S. -Alamaganj, P.O.-  
Guljarbagh, District Patna.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ajay Prasad, Adv.

For the Respondent/s : Mr. Dr. Anand Kumar, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      06-03-2024                      Heard learned counsel for the petitioner and  
  
learned counsel appearing for the respondent- SBPDCL.

2. The present writ application has been filed for a  
  
direction to the respondent authorities to grant domestic electric  
connection in the premises of the petitioner which was  
purchased by him vide a registered sale deed dated 19.05.2023.

3. Learned counsel for the petitioner submits that a  
  
residential premises having an area of 323 sq. ft. was purchased  
by the petitioner by virtue of a sale deed and after purchase,  
mutation of the house was done in favour of the petitioner by the



revenue authority. The petitioner submitted an application before the respondent- SBPDCL vide application No. 523012110833 for grant of new connection to the premises of the petitioner but the same has been refused by the respondent- Company on the ground that there was dues of electricity upon the previous owner of the subject property, as such, the petitioner shall not be given new electric connection.

4. Learned counsel appearing for the respondent- Company submits that the respondents may be given liberty to approach the competent authority for recovery of the dues of the previous owner through the Bihar and Orissa Public Demand Recovery Act, 1914.

6. I have heard learned counsel for the parties and have gone through the provisions of Bihar Electricity Supply Code, 2007. In Clause 4.1 of the Supply Code, by way of 4<sup>th</sup> Amendment dated 19.05.2015, third proviso was added which is quoted herein-below;

*“ 4.1 (iii) Provided that (I) If there are arrears of electricity dues against the owner or occupier or tenant of a premises as a consumer, new connection shall not be denied to subsequent owner, occupier or tenant, and the arrear of electricity dues on the premises shall be recovered from the defaulting consumer under the provisions of Bihar and Orissa Public Demands Recovery Act, 1914 or alternately the arrears may also be transferred to another running accounts of the defaulting consumer after adjustment of amount of security deposit and interest there on and giving fifteen days notice.*



7. Upon consideration of amended proviso of 4.1 which deals with license’s obligation to supply and says that if there are arrears of electricity dues against the owner or occupier or tenant of the premises as a consumer, new connection shall not be denied to subsequent occupier or tenant, I am of the opinion that the respondent authority cannot deny the new connection to the petitioner on the ground that there was arrears of electricity dues from the previous owner of the premises. As per said proviso of supply code 4.1, the distribution company shall have the liberty to recover the previous arrears of electricity dues from the previous owner under the provisions of Bihar and Orissa Public Demand Recovery Act, 1914. Accordingly, I direct the respondents-Company to grant electric domestic connection to the premises of the petitioner preferably with a period of seven days from the date of receipt/production of a copy of this order.

8. With aforesaid discussed and observation, this writ application stands disposed of.

**(Anil Kumar Sinha, J)**

brajesh/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

