

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14016 of 2017

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Ram Nath Kumar Son of Late Raj Kumar Rai resident of Village - Gopalpur,
Police Station - Mahua in the district of Vaishali.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. Through Its Managing Director
2. The Managing Director, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The North Bihar Power Distributing Company Ltd through its Managing Director, Vidyut Bhawan, Bailey
4. The Managing Director, North Bihar Power Distributing Company Ltd., Vidyut Bhawan, Bailey Road, Pat
5. The Finance Controller, North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Pat
6. The Chief Engineer, Rural Electrification, Muzaffarpur.
7. The Electrical Superintending Engineer, Electric Supply Circle, Vaishali at Hajipur.
8. The Accounts Officer, Electric Supply Circle, Vaishali at Hajipur.
9. The Electrical Executive Engineer, Electric Supply Sub-Division, Mahua, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, Adv.
		Mr. Anand Kr. Ojha, Sr. Adv.
		Mr. Abhishek Raj, Adv.
		Mr. Ashok Kumar Karna, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 07-07-2025

1. The Writ petition is filed for the following
reliefs:-

*i. For commanding the respondents
to make payment of the admitted*



dues amount of Rs. 4,95,440/- as Franchise Commission to the petitioner against the work done by the petitioner as Franchise of Meter Establishment Agent, Patepur Feeder, Mahua, Vaishali from the year 2015 to till date along with penal interest at the rate of 12% per annum.

ii. Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

2. The brief facts culled out from the Writ petition are that a tender notice was issued by the respondents under the Franchise Scheme for Meter installation in Patepur Feeder. The petitioner was one among the eligible candidates who applied for the franchise. On completion of all formalities, the application of the petitioner was found satisfactory, and a work order was issued vide Memo No. 173 dated 02.04.2015. The petitioner was directed to deposit a security amount of Rs. 10,000/-. Pursuant to the work order, the petitioner deposited the security amount on 04.04.2015 in the office of the 8th



respondent. Thereafter, an agreement was executed between the Board and the petitioner, incorporating several terms and conditions regarding supply and maintenance.

3. On 16.05.2015, the respondent No. 9 issued a letter directing the petitioner to install the electric meter under Mahua (Town) Feeder, Chand Sarai Feeder and Sighana Feeder. The petitioner consulted the Assistant Engineer, Electric Supply Sub-Division, Mahua, Vaishali, who allowed him to commence installation from May 2015. The petitioner completed all the assigned work. However, for reasons best known to the respondents, the franchise commission was not paid to the petitioner. The petitioner has installed more than 6,000/- electric meters. Furthermore, he has submitted all the bills for the work executed by him, along with the recommendations of the competent authority to the 2nd respondent, amounting to Rs. 4,95,440/-. Further, he submitted a representation (Annexure-5) dated 02.03.2017 to the respondents for payment which is still pending before the authority.



4. A detailed counter affidavit was filed by the respondent/ Power Company and its officials, denying all the allegations made in the Writ petition. It is specifically submitted in the counter affidavit that the Electrical Executive Engineer returned the petitioner's bills with the following objections, which are as follows:-

- i. The bills submitted by the petitioner were not signed by the petitioner not they were verified by the Assistant Executive Engineer, Mahua.*
- ii. The Assistant Executive Engineer, Junior Electrical Engineer, had not satisfied that the meter installed by the petitioner was taken in billing cycle and the bills were not supported with meter fixing slip.*
- iii. Copy of the agreement and the work order were not sent along with the bills.*
- iv. Bills were sent for necessary action by the Assistant Executive Engineer, Junior Electrical Engineer, Mahua.*



5. On 29.05.2015, a representation was filed by the petitioner before the Executive Engineer for payment of the bills, upon which the office of A.O. vide Letter No. 1286 dated 21.05.2017 again directed the Assistant Executive Engineer, Mahua, to comply with the directions issued under Letter No. 713 dated 24.03.2017.

6. The office of the A.O. Hajipur again vide Letter No. 1266 dated 31.05.2017, directed the Assistant Executive Engineer, Mahua to supply the required details and return the bills for payment. In response, the office of the Assistant Executive Engineer, Mahua, vide Letter No. 393 dated 03.06.2017, asked the petitioner to provide reasons for installing more meters than those sanctioned by the department. Further vide Letter No. 460 dated 20.06.2017, the office of Assistant Executive Engineer requested the petitioner to provide meter fixing slips and photographs of the installed meters.

7. Further vide Letter No. 562 dated 18.07.2017 the Assistant Executive Engineer sent a report to the office of the Electrical Executive



Engineer reporting that the petitioner was issued 460 meters from 04/2016 to 09/2016, but he claimed installation of 924 meters during the same period.

8. It was also contended that the petitioner failed to provide the required installation slips of meters. As a result, the meter bills submitted by him could not be verified.

9. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

10. On perusal of the entire record, it is evident that it is a question of fact which must be determined by the appropriate authorities. It is also specific contention of the Learned counsel for the petitioner that a representation was submitted on 02.03.2017, for which no order has been passed by the respondent authorities. However, due to the lapse of long time, this Court is of the considerable view that the petitioner shall file a fresh representation before the authorities, along with all material documents to enable the authorities to pass an appropriate order. The representation shall be



filed by the petitioner within one month from the date of receipt of this order. In turn, the respondent authorities shall pass appropriate order within two months from the date of filing the representation, taking into account the work completed by the petitioner.

11. With the aforesaid observations, the Writ petition stands disposed of

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.07.2025
Transmission Date	

