

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12582 of 2015

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1. The South Bihar Power Distribution Company Ltd. having its Head Office at Vidyut Bhawan, Bailey Road, Patna- 800001
 2. The Assistant Electrical Engineer-cum-Assessing Officer, Electric Supply Sub-Division, Fatuha, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Collector-cum-Appellate Authority, Vikash Bhawan, Patna Collectorate, Patna
3. Late Karu Sah, son of Late Ganga Sah, Resident of Mohalla- Purani Chow, P.S.- Fatuha, P.S.- Fatuha, District/Town- Patna
- 3.1 Ranjit Prasad son of Late Karu Sah
- 3.2 Dinesh Prasad son of Late Karu Sah
- 3.3 Vijay Prasad son of Late Karu Sah
- 3.4 Late Ajay Prasad son of Late Karu Sah survived by following legal heirs
- 3.4.1 Ankit Kumar son of Late Ajay Prasad
- 3.4.2 Sona Kumar son of Late Ajay Prasad
- 3.4.3 Beby Devi daughter of Late Ajay Prasad

All resident of Mohalla Purani Chawk, P.S. Fatuha, District/Town-Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12244 of 2017

Ranjeet Prasad Son of Late Karu Sah, Resident of Mohalla- Purani Chowk, Police Station- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. South Bihar Power Holding Company Through Its Managing Director Cum Chairman
2. The Electrical Executive Engineer, Supply Division, Patna City.
3. The S.T.F. Team of Bihar State Power Holding Company, Marufganj, Patna City.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12582 of 2015)

For the Petitioner/s : Mr. Prakash Kumar

For the Respondent/s : Mrs. Anuradha Singh, SC-21

For the private respondent: Mr. Mani Bhushan Kumar

(In Civil Writ Jurisdiction Case No. 12244 of 2017)

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the SBPDCL : Mr. Kumar Priya Ranjan, (ADD.SC)

Mr. Sudarshan Bharadwaj



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 23 24-11-2025 1. I. A. No. 04 of 2025 has been filed stating therein that during pendency of this application, the respondent no. 3, namely, Karu Sah, has died on 28.06.2014. Accordingly, the submission is for expunging the name of respondent no. 3 and substitution of his legal heirs, whose details are mentioned in paragraph 4 of the interlocutory application.
2. Taking into consideration the nature of prayer made in I.A. No. 04 of 2025, the same is allowed and the name of the respondent no. 3, Karu Sah, is expunged from the array of parties and in his place his legal heirs i.e. 1. Ranjit Prasad, 2. Dinesh Prasad, 3. Vijay Prasad and 4. Late Ajay Prasad (survived by his legal heirs, namely, i. Ankit Kumar (son), ii. Sona Kumar (son) and iii. Beby Devi (daughter), details of which have been mentioned in paragraph-4 & 5 of the I.A. No. 04 of 2025, are substituted.
3. The Office is directed to make necessary correction in the software of this Court.
4. Issue notice to the newly added legal heirs of erstwhile respondent no. 3.
5. Mr. Mani Bhushan Kumar, learned counsel accepts the



notice and appears on behalf of the newly added legal heirs.

6. Since, common question of law and fact is there in the present two writ petitions, both the writ petitions are being heard together and are disposed by common order.
7. The first writ application, bearing CWJC No. 12582 of 2015, has been filed by South Bihar Power Distribution Company Limited (in short “SBPDCL”), being aggrieved by the order, dated 21.02.2014, passed by the Appellate Authority and second writ application, bearing CWJC No. 12244 of 2017, is being filed by the legal heirs of the consumer i.e. erstwhile respondent no. 3.
8. The dispute involved in both the writ petitions is for fixing the civil liability for unauthorized use of electricity by the consumer/erstwhile respondent no. 3.
9. The petitioner/SBPDCL has filed the writ application being aggrieved by the order passed by the Additional Collector (Revenue) -cum- Appellate Authority, Patna. The premises of the respondent no. 3 was inspected on 13.05.2013. The inspecting team found theft of electricity, for which, First Information Report, bearing Fatuha Police Station Case No. 185 of 2013, was lodged against



the respondent-consumer. The provisional assessment order was passed by the Assessment Authority on 14.05.2013 for payment of Rs. 87,959/-. The final assessment was done and the Assistant Electrical Executive Engineer quantified the value of electricity theft at Rs. 87,959/-.

10. The consumer filed an appeal against the final assessment order and the Appellate Authority by the impugned order has reduced the number of days of unauthorized use of electricity from 365 days to one month.
11. Learned counsel for the SBPDCL submits that reducing the number of days by the Electrical Inspector is without any basis and order has been passed on his ipse dixit.
12. On the other hand, learned counsel for the erstwhile respondent no. 3 submits that the Appellate Authority has taken note of the fact that prior to the inspection there was no complaint whatsoever regarding theft of electricity, therefore, the days of unauthorized use of electricity has been reduced from 365 days to one month. The electricity meter consumption was recorded by the meter reader.
13. I have heard learned counsel for the parties and have gone through the materials available on record.



14. Under Sections 154 (5) and 154 (6) of the Electricity Act, the Special Court has been constituted for determining the civil liability against a consumer or a person in terms of money for theft of energy. The distribution company without availing the remedy before the Special Court has filed the present writ application.
15. Section 154 (5) of the Electricity Act stipulates that Special Court shall determine the civil liability against a consumer or a person in terms of money for theft of energy which shall not be less than an amount equivalent to two times of the tariff rate applicable for a period of twelve months preceding the date of detection of theft of energy or the exact period of theft if determined whichever is less.
16. Since, the erstwhile consumer has died, the criminal liability has abated and insofar as fixation of civil liability is concerned against the legal heir, criminal liability cannot be fastened. The SBPDCL may approach the Special Court and can challenge the order passed by the Appellate Authority therein.
17. The petitioner in the second writ application, bearing CWJC No. 12244 of 2017) is the legal heir of the



erstwhile consumer-respondent no. 3 and has prayed for refund of equivalent amount of 50% of the assessment amount which was deposited by his father at the time of filing of the appeal.

18. The petitioner in the second writ application is also directed to approach the Special Court raising his demand which shall be considered by the Special Court along with petition filed by the SBPDCL for fixing the civil liability upon the legal heirs of the erstwhile consumer.

19. With the aforesaid observations and directions, this writ application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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