

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14754 of 2017

=====

Md. Shahnawaz Ali S/o Late Hasan Ali, Resident of B/25, Indrapuri,
Samanpur, P.S.- Shashtrinagar, District- Patna.

... .. Petitioner/s

Versus

South Bihar Power Distribution Company Limited

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Jha-3, Adv.
For the Respondent/s	:	Mr.Vinay Kirti Singh, Adv.
		Mr. Sanjay Kr. Giri, Adv.
		Mr. Mrityunjay Harsh, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 25-06-2025

1. The Writ petition is filed seeking a direction to the respondent authorities to restore the electricity connection of account No. 101617169 and to install the electric meter at the premises of the petitioner. The further relief sought is to quash the provisional bill issued under Section 135 of the Electricity Act, amounting to Rs. 76,286/-, imposed by the Assistant Electrical Engineer, Supply, Patna.

2. The brief facts of the case, as culled out from the Writ petition are that the petitioner applied for electricity connection along with a copy of sale deed and deposited a sum of Rs. 1500/- as fees



to the SBPDCL on 23.12.2016. Subsequently, an Account No. 101617169 was allotted to him, and a bill for Rs. 243/- was generated, which was to be paid up to 07.04.2017. The petitioner was not present at the newly constructed house, however, the electricity bill was received by him through a message on his mobile phone, upon which he paid the amount of Rs. 243/-. Thereafter, he also paid further payments under the said account. The staff of the Electricity Department, later visited the petitioner's premises in order to install an electric meter. It is the specific contention that the meter was not installed properly. On noticing the improper installation of the electric meter, the petitioner approached the office of the respondent and submitted several petitions to check the defective electric meter vide representations/applications dated 03.10.2017 and 05.10.2017. On 07.10.2017, the respondent authorities came to the petitioner's house, removed the electric meter and forcefully obtained his signature on a paper. The electricity supply was also disconnected. When the petitioner



rushed the office of the respondent, a receipt was handed over to him for payment of Rs. 76,286/-, which was arbitrary and *mala fide*. The petitioner is a practicing lawyer in the Patna High Court, submits that his office work was adversely affected due to the illegal acts of the respondent authorities. The petitioner is willing to pay a genuine amount to the Electricity Department, and therefore, prays to direct the respondent authorities to issue a fresh bill for payment.

3. A detailed counter affidavit was filed by the respondent-Electricity Department, contending that an inspection was conducted by the inspecting team of Assistant Electrical Engineer on 07.10.2017 at 02:15 PM at the house of the petitioner. During the inspection, (in the presence of the petitioner), it was found that he was using electricity by bypassing the electric meter, which amounts to theft of electricity under Section 135(1) of the Electricity Act, 2003. Thereafter, an inspection report was prepared which was duly signed by the petitioner. The counter affidavit further discloses that, as per the provision of



Section 135(1A) of the Electricity Act, the electric supply to the petitioner's house was immediately disconnected, and the electric meter was seized by the inspection team. An FIR was registered by the SHO, Shashtri Nagar Police Station, Patna. The loss due to theft was assessed at Rs. 76,286/-, which was paid by the petitioner vide Receipt No. ww861043 dated 12.10.2017, upon which the electric connection was restored. The fine of Rs. 76,286/- was calculated, and a provisional bill was issued to the petitioner upon detection of theft, in accordance with the provision of Section 135(1) of the Electricity Act, 2003. The inspection was conducted by the inspecting team of the Electricity Department under Section 135(2) of the Electricity Act.

4. The counter affidavit further disclose that the electricity connection bearing CA No. 101617169 under DS II category, with a sanctioned load of 2 KW, was provided in the name of the petitioner on 23.12.2016. The first bill was generated on 13.03.2017 on an average basis, as the premises of the petitioner was locked from outside at the time



of meter reading. The petitioner paid the amount of the first bill on 25.03.2017. The petitioner submitted an application for replacement of the burnt electric meter on 07.10.2017 at 04:55 PM to the office of the Assistant Electrical Engineer, pursuant to the inspection. However, the said application was backdated as 05.10.2017. The fact was intimated to the petitioner by the respondent authorities vide Letter No. 612 dated 09.10.2017, which was sent through registered post bearing consignment No. EF233489825IN. The counter further disclose that there were contradictions between two letters submitted by the petitioner, which were annexed as Annexure-2 and 3 to the Writ petition.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondent.

6. It is the specific contention of the Learned counsel for the petitioner that the meter was not installed properly and the petitioner used to pay the electricity bills online, after receiving messages, on his mobile phone. Therefore, the



question of theft of electricity under Section 135 of the Electricity Act does not arise. It is also contended that the petitioner paid an amount of Rs. 76,286/- on 12.10.2017, upon which his electricity connection was restored. Thereafter, during the pendency of the Writ petition, the petitioner also paid the compounding fees on 07.08.2023 in order to compound the offence.

7. On the other hand, the Learned counsel for the respondent contended that even the first bill disclose that an amount of Rs. 1275/- was paid by the petitioner on 21.11.2016, and therefore, Annexure-1 cannot be termed as the first bill as Annexure-1 itself disclose about the payment of Rs. 1275/- by the petitioner on the said date. It is further contended that contents of Annexure -2 and 3 are contradictory to each other. In Annexure-2, which is a letter addressed by the petitioner to the Assistant Electrical Engineer, the plea taken is that the meter is defective, not functioning properly and not installed correctly. However, in Annexure-3, the plea taken is that the meter was damaged, as burnt by



fire, and the petitioner requested its replacement at the plausible time. Although the Annexure 3 is dated 05.10.2017, it was received by the Department on 07.10.2017. The petitioner has thus taken two inconsistent pleas. He further contended that there is an alternative remedy available to the petitioner under Section 111 of the Electricity Act. However, the petitioner has not availed the alternative remedy and has approached this Court seeking quashing of the provisional bill. When an effective alternative remedy is available, it is for the petitioner to avail that remedy first and later, if the petitioner is still aggrieved by the appellate authority, has to approach this Court.

8. The first prayer of the petitioner is to restore the electricity connection. As electricity connection was restored long back, i.e., on 12.10.2017 after payment of Rs. 76,286/-, nothing remains for adjudication in this regard. However, the relief sought for quashing of the provisional bill under Section 135 of the Electricity Act.



9. As discussed supra, there is an alternative remedy available for the petitioner to prefer an appeal, therefore, nothing survives for adjudication in this case. If at all the petitioner is aggrieved by the provisional bill, he is at liberty to file an appeal before the appellate authority. The appeal shall be preferred by the petitioner within one month from the date of the receipt of the copy of this order. The appellate authority shall duly construe the limitation aspect and adjudicate the matter on merits within three months from the date of filing of the appeal.

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.07.2025.
Transmission Date	

