

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18143 of 2018

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Bharat Prasad Son of Late Sita Ram Sao, Resident of Village- Mahaveer
Nagar, Bihta, Post Office Police Station- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The Managing Director, South Bihar Power Distribution Company
Ltd. Vidyut Bhawan, Baily Road, Patna
2. The Electrical Executive Engineer, Electric Supply Division, Bihta, District
Patna.
3. The Assistant Electric Engineer, Electric Supply Sub Division, Bihta,
District- Patna.
4. The Junior Electric Engineer, Electric Supply Section, Bihta-II, P.S.- Bihta,
District- Patna.
5. Ranveer Kumar Singh, Assistant Electric Engineer, cum Assessment Officer,
Electric Supply Section, Sub Division Bihta, Post Bihta, District Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate
For the Respondent/s : Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-08-2025

1. The writ petition is filed for the
following reliefs:

“To issue the writ of Mandamus
commanding the Respondents to
discharge their legal obligation to Electric
connection be Energized by proper
connection through proper meter, which
will be subject to result of Final
Adjudication as done by the Criminal Court
and continue to pay current electricity bill
on time.



(B) To issue the writ of certiorari, for quashing the order dated 20.07.2018 (Annexure-1) in which wrong prospection /seizure Report under section 135 of the Indian Electricity act, 2003 be prepared under section Clause 11/2/3(a) (v) of this Act.

(C) To issue the writ of mandamus commanding the Respondents to discharge there legal obligation to conducted proper enquiry vide Representation dated 24.07.2018 address to Respondent no.1 of the case.

(D) To issue the writ of Mandamus to awarded compensation in which harass the business of the petitioner in illegal manner with malafide action by Respondents.

(E) For proper action against responsible respondent involved in such illegal, manner in disconnect the Electricity supply to the petitioner and closed their business.

(F) For any relief/reliefs petitioner may be found entitled to."

2. The brief facts, as culled out from the Writ petition, are that the petitioner holds a valid



electricity connection bearing Consumer No. BTA BTABT-1419/ID-2121017944, registered in the name of his elder brother, Laxman Sao. It is submitted that the petitioner was regularly paying electricity bills and running a commercial business, of an Aata Chakki Mill, on a sanctioned three-phase connection with a load capacity of 13 KW, as authorized by the Power Supply Division, Bihta, District Patna (Bihta II). It is further submitted that on 20.07.2018, without prior notice and in his absence as well as in the absence of any family member, respondent No.5, filed an application before the S.H.O., Bihta Police Station, resulting registration of FIR No. 806/2018 u/S 135 of the Electricity Act, 2003, alleging illegal consumption of 11.278 KW of electricity, exceeding the sanctioned load, along with tampering of the meter. Consequently, an inspection and seizure report were prepared, and the electricity supply to the petitioner's mill was got disconnected.

3. The Learned counsel for the petitioner submitted that the petitioner never indulged in



any tampering or illegal consumption of power. It is contended that the sanctioned load of 13 KW, fully covers the alleged consumption of 11.274 KW. It is further urged that daily meter readings and verifications were carried out by the Junior Engineer as per routine, and no irregularity was ever detected.

4. It is further contended that the seizure and disconnection were carried out arbitrarily and without following due procedure under the Indian Electricity Act, 2003, which mandates that such inspections, meter testing, or seizure must be conducted in the presence of the consumer or their representative. It is also contended that only the designated Meter Reading Testing (MRT) Department is authorized to conduct such meter inspections and to issue expert reports. The petitioner alleges with malafide intention in order to harass and disrupt his lawful business disconnection was done.

5. It is also submitted that despite repeated oral and written representation made to



the Managing Director, South Bihar Power Distribution Company Ltd., Patna, since 24.07.2018, no remedial action was taken to restore power supply or address his grievances, resulting in irreparable loss to the petitioner's business. Therefore, the petitioner prays to quash the impugned actions of the respondents for restoration of electricity supply, and for initiation of action against erring officials for the unlawful seizure and disconnection.

6. A detailed counter affidavit was filed by Respondents raising a preliminary objection regarding the maintainability of Writ petition. It was contended that as the petitioner by way of Writ petition seeks quashing of a criminal proceeding which cannot be granted in exercise of Writ jurisdiction under Article 226 of the Constitution of India. Such relief ought to be sought either by filing a criminal writ petition or an application under Section 482 of the CrPC.

7. The Learned counsel for the respondents submitted that a raid was conducted on



20.07.2018 at the premises, where the petitioner was operating an Aata Chakki, under an electricity connection sanctioned in the name of his brother, Laxman Prasad. It was found that the sanctioned load is 10 KW, whereas the petitioner was consuming 11.274 KW of electricity thereby, exceeding the sanctioned limit and the seals of the electricity meter were found tampered with.

8. It is further submitted that based on the findings, an FIR bearing Bihta P.S. Case No. 806/2018 was registered under Section 135 of the Indian Electricity Act, 2003. It is contended that the Respondent Company suffered a financial loss of Rs. 379,390/- due to unauthorized consumption.

9. It is specifically submitted by the respondents that the petitioner was present during the raid, but refused to sign the seizure list/seizure report. Therefore, the plea that the raid was conducted in his absence is factually incorrect. It is further submitted that the sanctioned load was 10 KW and not 13 KW as claimed by the petitioner and the load of 13 HP mentioned by the



petitioner appears to be a misrepresentation or confusion of units.

10. The Learned counsel for the respondents further submitted that since an FIR has already been lodged and the matter is subjudice before the competent criminal court, and no remedial action can be taken on the petitioner's representation, without appropriate direction from the court. Further, it is submitted that the actions of the respondents, including disconnection of electricity and registration of the FIR, were in accordance with law and there was no misuse of authority and therefore, prayed to dismiss the writ petition as devoid of merits

11. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents. Perused the records.

12. A preliminary objection raised by the respondents that the present writ petition is not maintainable for quashing the criminal proceeding. The proper remedy for the petitioner would be either by way of a criminal writ petition or by



invoking the inherent power of the High Court under Section 482 of the Code of Criminal Procedure.

13. Further, it is evident from the materials on record that a raid was conducted on 20.07.2018 at the premises, where the petitioner was operating an Aata Chakki under an electricity connection sanctioned in the name of his brother, Laxman Prasad. The sanctioned load was 10 KW. During the inspection, it was found that the petitioner was using 11.274 KW of electricity, exceeding the sanctioned limit, and the seals of the electricity meter were tampered with. Since an FIR has been lodged and the matter is subjudice before the competent criminal court therefore, the respondents have not taken any action on the petitioner's representation. The actions of the respondents, including disconnection of electricity and filing of the FIR, were in accordance with law.

14. In view of the discussion, supra, this Court is of the considered view that the respondents have acted in accordance with law.



15. In result, the Writ petitions is dismissed as it is devoid of merits.

16. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2025
Transmission Date	

