

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11275 of 2013

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1. The South Bihar Power Distribution Company Ltd. and Anr Having Its Head Office At Vidyut Bhawan, Bailey Road, Patna -1
 2. The Electrical Executive Engineer, Electric Supply Division, Fatuha, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Electrical Inspector-Cum-Appellant Authority, Electrical Inspectorate, Bihar At Patna
3. M/S Shakti Board Pvt.Ltd. Fatuha Industrial Area, Patna Through Its Proprietor Sri Bipin Tebriwal

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Kumar, Adv.
For the Respondent/s	:	Mr. Ashok Kumar Keshri, Adv.
	:	Mr. Suraj Samdarshi, Adv.
	:	Mr. Avinash Shekhar, Adv.
	:	Mr. Vijay Shanker Tiwari, Adv.
	:	Ms. Simran Kumari, Adv.
	:	Ms. Abhilasha Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

20 20-11-2025

1. Heard the parties.

2. The dispute involved in the present writ application is for fixing the civil liability for unauthorized use of electricity by the consumer/respondent no. 3. The petitioner/SBPDCL has filed the present writ application being aggrieved by the order dated 23.08.2012 passed by respondent no. 2 i.e. Electrical Inspector-cum-Appellate Authority. The premises of respondent no. 3 was inspected by the inspecting team on 04.04.2011. The inspecting team found that there was massive theft of electrical



energy causing suppression of reading and demand in the energy meter installed at the premises and filed an FIR bearing Fatua PS Case No. 154 of 2011 under Section 135 of the Electricity Act, 2003. The provisional assessment order was passed by the assessing authority for payment of Rs. 22,07,312/- by the consumer i.e. respondent no. 3. The final assessment was done and the Assistant Electrical Executive Engineer quantified the value of electric theft at Rs. 17,95,157/-. The consumer filed an appeal against the final assessment order and the Electrical Inspector by the impugned order has reduced the number of days of unauthorized use of electricity from 365 days to 25 days.

3. Learned counsel for the Power Distribution Company submits that reducing the number of days by the Electrical Inspector is without any basis and the order has been passed on his *ipse dixit*.

4. On the other hand, Mr. Suraj Samdarshi, learned counsel for the consumer/responder no. 3, placed a judgment of this court rendered in the case of Mosmat Swaran v. The State of Bihar reported in 2012 (2) PLJR Page 229 and submits that under Section 154 (5) & (6), 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.

5. Considering the aforesaid submissions made by the parties and the fact that the criminal case lodged by the Power Distribution Company is pending before the Special Court as such, in my opinion, it is in the interest of justice to refer the matter to the Special Court for determining the civil liability also against Respondent No. 3/Consumer. Accordingly, the petitioner is directed to file a separate petition before the Special Court where the criminal proceeding is pending challenging the impugned order of Electrical Inspector, dated 23.08.2012, within a period of 30 days. If such an application is filed, the Special Court shall dispose the same in accordance with law by a reasoned order.

6. With the aforesaid direction and observation, the present writ application is disposed.

(Anil Kumar Sinha, J)

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