

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9472 of 2014

-
-
1. The North Bihar Power Distribution Company Ltd. Through its Chief Engineer (Commercial), Vidyut Bhawan, Bailey Road, Patna
 2. The Electrical Superintending Engineer, Electric Supply Circle, Purnia

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna
2. The Assessing Officer - cum - Assistant Electrical Engineer Electric Supply Sub Division Kishanganj
3. M/S Saraogi Paper Mills Ltd., a Company incorporated under the Provisions of Companies Act, having its Registered Office at Bysack Street, Kolkata through its Director Sri Anil Saraogi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratan Prasad Sinha, Advocate
For the Respondent/s : Mr.Manikant Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 25-11-2025

Heard learned counsel for the parties.

2. Petitioner, a Power Distribution Company, has filed the present writ application for setting aside the final assessment order dated 23.12.2009 passed by the Assessing Officer under Section 126 of the Electricity Act, 2003, by which the Assessing Authority has reduced the provisional assessment of Rs. 1,32,94,726/- to Rs. 13,21,955/-.

3. Learned counsel for the petitioners submits that Respondent No. 3, having HTIS Consumer No. KNG 2231 HTSS for contract demand of 250 KVA, was found by the



raiding party on 12.06.2008 to be engaged in committing electric theft and drawing energy by tampering the energy meter and abstracting electricity in a dishonest manner for a maximum demand of 480 KVA against the contract demand of 250 KVA. An F.I.R. was registered vide Kishanganj P.S. Case No. 155/2008 dated 13.06.2008. The provisional assessment was done for Rs. 1 crore and odd amount as per the provisions of the Electricity Act. The provisional/punitive bill was served upon Respondent No. 3 for Rs. 1,32,94,726/-. The Respondent No. 3 challenged the provisional assessment in a writ petition bearing CWJC No. 15889 of 2008 and the matter was remitted to the Assessing Authority for doing the final assessment. The final assessment was done and the amount of provisional/punitive bill has been reduced to Rs. 13,21,955/-. The Assessing Authority has reduced the number of days of the electricity theft and thereby has arrived at the amount of Rs. 13,21,955/-. Respondent No. 3 filed an appeal against the order passed by the Assessing Authority bearing Appeal No. 1/2013-14 in which detailed counter affidavit has been filed by the petitioners. However, Respondent No. 3 has left the appeal. The petitioner is not having any information regarding the status of the appeal right now. The notice to Respondent No. 3 was issued which



was not served. However, a paper publication at the direction of this Court was also done but Respondent No. 3 failed to appear in the proceedings. Lastly, learned counsel for the petitioner submits that if Respondent No. 3 is not coming forward and is not pursuing his appeal, the petitioner being the Power Distribution Company may be directed to file an appeal under Section 127 of the Electricity Act before the Appellate Authority within 30 days from today.

4. Considering the nature of dispute and the fact that the petitioner is a Power Distribution Company and is aggrieved by the order passed by the Assessing Authority, I feel it expedient to allow the prayer of the petitioner to file an appeal before the Appellate Authority under Section 127 of the Electricity Act.

5. Accordingly, this writ application is disposed with direction to the petitioner to file an appeal against the final assessment order dated 23.12.2009 passed by the Assessing Officer within a period of 30 days from today. If such an appeal is filed by the petitioner within a period of 30 days from today, the Appellate Authority shall consider the same on its own merit and dispose the appeal in accordance with law within a reasonable time-frame.



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

(Anil Kumar Sinha, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	04.12.2025
Transmission Date	

