

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.638 of 2024

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Krishna Kumar Sinha, Son of Shyam Bihari Lal, Resident of Mohalla - Sri Ram Colony Road, P.S. Begampur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy Bihar, Patna.
2. The Chairman-cum-Managing Director, the Electricity Board, Vidhut Bhawan, Patna.
3. The Chairman Consumer Grievance Redressal Forum, Electric Supply Circle, PESU (East) 3rd Floor, DCR-cum-MRT Building Road No. 1, R.Block, Patna-1.
4. The Electric Executive Engineer, Electric Supply Division, Patna City, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Prasad, Advocate
For the Company	:	Mr. Anand Kr. Ojha, Sr. Advocate Mr. Shankar Kumar, Advocate
For the State	:	Mr. Vinay Kirti Singh, (GA-2) Mr. Akhileshwar Singh, (AC to GA-2)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 06-02-2025

Heard Mr. Subodh Prasad, the learned

Advocate for the petitioner and Mr. Anand Kumar Ojha,

the learned Senior Advocate for the Electricity

Department. The State has been represented by Mr.

Akhileshwar Singh, the learned AC to GA-2.

2. The petitioner had initially come before



this Court with the main prayer of exempting him from making payment of demand charges/fixed charges and minimum charges as also re-connection charges for renewing his disconnected electric connection. Later, during the course of argument, he chose to challenge the validity of Section 7.14(4) of the Bihar Electricity Supply Code of 2007.

3. It appears that the petitioner ran an aluminium factory and defaulted in paying the electricity charges for several months. The electric connection was disconnected for approximately two years. On the assurance of the petitioner to deposit the electricity charges, the stage was set for reconnecting the electric connection. However, according to the Supply Code, referred to above, for re-connection, certain other charges are leviable by the Electricity Department.

4. The relevant clause in the Supply Code specifies that in case the service line has not been



removed by the licensee and a consumer desires to revive his permanently disconnected connection, it may be revived after payment of demand charges/fixed charges and minimum charges and disconnection/re-connection charges by the consumers for the period of the disconnection.

5. It has been argued that such charges for re-connection has been left wide open without there being any parameter for deciding the quantum of such charges.

6. The second contention on behalf of the petitioner is that for including these provisions in the Supply Code which has been framed under the Electricity Act, 1950, a consultation with the consumers was required, which in the present case, has not been done.

7. Both these arguments are not tenable for the reason that the charges which are asked from a consumer for re-connection, especially when the wires



have not been permanently removed and the disconnection has only been for the failure to pay the electricity bill on time, the accusation that it leaves all the space for the Electricity Department to fix such rates arbitrarily, is not true factually.

8. No instance has been shown by the petitioner to buttress this contention.

9. There is nothing in the Electricity Act or the Supply Code, which could be demonstrated before us, requiring a prior consultation for levying such charges at the time of re-connection, and not doing so would render such provision invalid.

10. According to the counter affidavit of the Electricity Department, it appears that even the installment fixed for making the final payment of the outstanding bills has not been done by the petitioner. If the petitioner would require re-connection, he has to make payment against those bills as also the minimum charges required for re-connection.



11. There is no merit in this petition. The
petition is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Anushka/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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