

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.649 of 2025

In

Civil Writ Jurisdiction Case No.8919 of 2023

Chanda Sinha, Wife of Sri Anchit Kumar Sinha, resident of L.N. Singh Lane,
Thakurbari, Mohalla- Sujapur, P.S. Nathnagar, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy, Government of Bihar, Patna.
2. The South Bihar Power Distribution Company Ltd, Vidyut Bhawan, Bailey Road, Patna - 1, Bihar.
3. The Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna - 1, Bihar.
4. The Chief Engineer (Commercial), South Bihar Power Distribution Company Ltd, Vidyut Bhawan, Bailey Road, Patna - 1, Bihar.
5. Electrical Executive Engineer, Electric Supply Division (Urban), South Bihar Power Distribution Company Ltd, Bhagalpur.
6. Asst. Electrical Engineer, Electric Supply Division (Urban), South Bihar Power Distribution Company Ltd, Bhagalpur.
7. Add. Collector, cum Public Complaint Redressal Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vivekanand Vivek, Advocate Mr. Debesh Kr. Poddar, Advocate
For the State	:	Mr. Yogendra Pd. Singh, AAG-7 Mr. Rajeev Kr. Sinha, AC to AAG-7
For SBPDCL	:	Mr. Vivek Prasad, Advocate Mr. Pratiyush Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-01-2026

This Letters Patent Appeal has been filed
challenging the order dated 21.03.2025, passed by the learned
Single Judge in CWJC No. 8919 of 2023.



The writ petition was filed by the present appellant seeking for following reliefs :-

"(i) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to direct the respondent authorities to connect the electric Supply of the petitioner bearing Consumer No-233303455907 forthwith which was illegally disconnected without any prior notice to the petitioner.

(ii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to quash the illegal demand of Rs. 8,64,950/ in pursuance to illegal Bill for the month of August 2020 as well as notice dated 1/3/2023 in Certificate Case No-35 of 2023 issued by the Certificate Officer, Bhagalpur contained in Annexure-7 Series of the application.

(iii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to quash the order dated 19/10/2022 passed by the Consumer Grievances Redressal Forum, Bhagalpur registered as Complaint case No-48/2022 contained in Annexure- 9 of the application.

iv) For issuance of any appropriate writ/writs/order/orders/direction/directions to which the petitioner is entitled in accordance with law."



2. The notices were issued to the respondent No. 2 South Bihar Power Distribution Company Limited and other respondents. The respondent No. 2 entered appearance and challenged the maintainability of the writ petition specifically stating that there was an earlier consumer whose name was Vibha Rani Sinha bearing connection No. 23330002512 in the very same premises where the petitioner had applied for a new connection and the said Vibha Rani Sinha had arrears to the tune of Rs. 6,89,836/- who is none else than the mother-in-law of the appellant. The appellant without disclosing that earlier connection was in the name of her mother-in-law applied for new connection and the connection was given and subsequently when it came to the notice of the authorities regarding the relationship between the appellant and Vibha Rani Sinha who has expired and that the appellant suppressed the material facts while submitting the application for a fresh connection, the outstanding dues which was in the name of late Vibha Rani Sinha was added to the bill of the appellant but since she did not pay the same, the disconnection was made.

3. The learned Single Judge, after going through the pleadings and hearing the learned counsels for the respective parties, has been pleased to hold as follows :-



"6. Admittedly, in this particular case fact that the earlier connection is standing in the name of Late Vibha Rani Sinha for the very same premises has not been denied by the petitioner. When queried by this Court with regard to the relationship between the petitioner and Late Vibha Rani Sinha, the petitioner initially tried to deny the relationship between Late Vibha Rani Sinha and herself however has accepted that Late Vibha Rani Sinha is her mother-in-law i.e., her husband's mother. Once it comes to the knowledge of the authorities that in respect of the very same premises, the earlier electricity connection is having dues, the subsequent consumer is liable to pay the same more so, when the petitioner is claiming the subject property through the very same person. In this particular case, the petitioner when queried by this Court, has declined to answer as how she got the property and tried to evade the question but as culled out from the material available on record, it is evident that the petitioner is none other than the daughter-in-law of Late Vibha Rani Sinha and claiming the property through her only. The provisions of the Act are very clear on this aspect, that any subsequent consumer is bound to clear the outstanding dues, if any of the earlier consumer more so, when the property is being claimed through the very same person. In this particular case, though the petitioner had not disclosed about the earlier connection and the outstanding dues of the earlier consumer bearing No. 23330002512, the authorities subsequently having come to know about the same are



justified in seeking to recovery the said outstanding dues from the petitioner herein.

7. Having regard to the above mentioned facts and circumstances, this Court does not find any merit in the present writ petition which warrants any interference by this Court. The writ petition is accordingly, dismissed however; without any costs."

4. Learned counsel for the appellant submitted that the appellant is no way related to Vibha Rani Sinha and that is why the application was made for a fresh connection and the appellant is no way liable to pay the outstanding dues which was against late Vibha Rani Sinha. In support of such contention, learned counsel has pointed out Section 56 of the Electricity Act, 2003, which reads as follows :-

"56. Disconnection of supply in default of payment-(1) *Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company*



through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest,-

(a) an amount equal to the sum claimed from him, or

(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity."

5. Learned counsel for the respondent No. 2, on the other hand, placed before us the Bihar Electricity Supply Code (4th Amendment), 2015 which was notified on 18th May, 2015, wherein there is an amendment to Chapter 4 of the Code and in the third proviso of Clause 4.1, it was substituted as follows :



"(iii) If there are arrears of electricity dues on a premises, a new connection may be refused to a new applicant on the same premises if the applicant being an individual is an associate or relative as defined in Section 2 and 6 respectively of the companies Act, 1956 of the defaulting consumer, or where the applicant being a company or body corporate or association, or body of individuals, whether in corporate or not, or artificial judicial person, is controlled, or having controlling interest in the defaulting customer. Provided the Licensee shall not refuse electric connection on this ground, unless an opportunity to present his case is provided to the applicant and reasoned order is passed by an officer designated by the licensee for this purpose and the order of refusal shall be communicated within one month of receipt of the application."

6. Learned counsel for the respondent No. 2 further argued that since there were arrears of electricity dues on the premises, the new connection would have been refused by the department but since the appellant suppressed her relationship with Vibha Rani Sinha and also that there was already an electricity connection to the same premises, the electricity connection was given. Learned counsel further submits that whether the appellant is related to Vibha Rani Sinha or not that cannot be adjudicated in a writ petition, which is a disputed question of fact. Moreover, there is no palpable error or



perversity in the order of the learned Single Judge and, therefore, it should not be interfered with.

Learned counsel for the respondent No. 2 has also placed a decision of the Hon'ble Supreme Court in the case of ***K.C. Ninan vs. Kerala State Electricity Board and others*** reported in ***(2023) 14 SCC 431*** wherein it has been held as follows :-

"341.1. The duty to supply electricity under Section 43 of the 2003 Act is not absolute, and is subject to such charges and compliances stipulated by the electric Utilities as part of the application for supply of electricity;

x x x

341.8. The power to initiate recovery proceedings by filing a suit against the defaulting consumer is independent of the power to disconnect electrical supply as a means of recovery under Section 56 of the 2003 Act;"

7. When we asked the learned counsel for the appellant as to whether the appellant is ready and willing to pay back the arrear dues even by way of instalment, the answer was in negative, rather it was stated that it is up to the authority to take recourse to sell away the property and to recover their dues. There is no dispute that certificate proceeding has already been instituted.



8. A Letters Patent Appeal, as permitted under the Letters Patent, is normally an intra-court appeal whereunder the Letters Patent Bench, sitting as a court of Correction, corrects its own orders in exercise of the same jurisdiction as was vested in the Single Bench. Such is not an appeal against an order of a subordinate court. In such appellate jurisdiction, the High Court exercises the powers of a Court of Error. **[(1996) 3 SCC 52 (*Baddula Lakshmaiah and others vs. Sri Anjaneya Swami Temple and others*)]**. The Division Bench in Letters Patent Appeal should not disturb the finding of fact arrived at by the learned Single Judge of the Court unless it is shown to be based on no evidence, perverse, palpably unreasonable or inconsistent with any particular position of law. This scope of interference is within a narrow compass. Appellate jurisdiction under the Letters Patent is really a corrective jurisdiction and it is used rarely only to correct the errors, if any, made.

9. After going through the order passed by the learned Single Judge and particularly in view of the provision which has been placed before us by the learned counsel for the respondents and the amended provision, we find that there is no illegality or perversity in the impugned order.



10. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Sudhir Singh, J)

Rajesh/U.K.

AFR/NAFR	NAFR
CAV DATE	NA
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