IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17356 of 2026

CNR No. BRHC011205852026

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Amit Kumar, Son of Late Ravi Ranjan Kumar, Resident of Village- Aranda, P.S.- Obra, District Aurangabad.

... ... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Energy Department, 1st Floor, Vidyut Bhawan- II, Bailey Road, Patna.
2. South Bihar Power Distribution Company Limited (SBPDCL), through its Chairman -cum- Managing Director, Vidyut Bhawan, Bailey Road, Patna- 800021.
3. The Chairman -cum- Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna- 800021.
4. The General Manager (Revenue), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna- 800021 (Shri Arvind Kumar).
5. The Electrical Executive Engineer, HT Cell, South Bihar Power Distribution Company Limited, Patna.
6. The Executive Engineer, Electricity Supply Division, Daudnagar, District Aurangabad, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Raj, Advocate
For the Respondent/s	:	Mr. Abhinav Mishra, GA- 6
		Mr. Vaibhava Veer Shanker, AC to GA- 6
		Mr. Vatsal Vishal, Advocate
		Mr. Priyanshu Singh, Advocate
		Ms. Simran Kumari, Advocate
For Resp. Nos. 2 to 6	:	Mr. Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 19-11-2026

Heard Mr. Madhav Raj, learned Advocate for the petitioner and Mr. Kunal Tiwary, learned Advocate for respondent nos. 2 to 6. The State is represented through Mr. Abhinav Mishra, learned Advocate.

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2. The petitioner, working as Director of M/s Narayani Agro Product, has approached this Court assailing a notice/order dated 02.11.2026, issued under Section 56 of the Electricity Act, 2003, by the Electrical Executive Engineer, HT Cell, SBPDCL, Patna, asking the petitioner to pay a sum of Rs. 3,44,54,179/- within a period of 15 days, failing which electricity supply of the premises will be disconnected without prejudice to its right to recover such charges or other sum by suit. Challenge has also been made to Letter No. 3708 dated 01.09.2026 issued by the General Manager (Revenue), SBPDCL, asking the petitioner to deposit a sum of Rs. 3,41,86,053/- for the period 10.09.2020 to 28.07.2026. The sole justification in the bill is the remark: “Actual M.F. was 05(five) but billing was done in M.F. 01 (one). Hence, supplementary Bill is also served and in case of failure to pay, the same would be added as DPS in the electricity Bills”.

3. While assailing the impugned notice/order, learned Advocate for the petitioner made manifold submissions, *inter alia*, that at the time of inspection, the petitioner was neither allowed to remain present nor any notice or the inspection report has been served upon him.

4. Referring to the impugned notice, it is also

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argued that from a bare perusal thereof, it is evident that on account of defect in the meter, it could not make the right assessment of the bills, due to which the petitioner cannot be faulted. All the more, the bill raised by the South Bihar Power Distribution Company Limited is barred under Section 56(2) of the Electricity Act, 2003 (hereinafter referred to as 'the Act, 2003').

5. To support the aforesaid contention, reliance has been placed on a decision of the Hon'ble Supreme Court in the case of ***Assistant Engineer (D1) Ajmer Vidyut Vitran Nigam Ltd. Vs. Rahamatullah Khan @ Rahmajulla : (2020) 4 SCC 650***.

6. Dispelling the aforesaid contention, Mr. Tiwary, learned advocate for the SBPDCL, primarily submitted that the petitioner has efficacious alternative remedy for raising his grievance before the Consumer Grievance Redressal Forum duly constituted under Section 42(5) of the Act, 2003. To fortify the aforesaid contention, he has also placed reliance upon a decision passed in ***Assistant Collector of Central Excise, Chandan Nagar, West Bengal Vs. Dunlop India Limited & Ors. : (1985) 1 SCC 260*** where the Hon'ble Supreme Court categorically ruled that Article 226 is not meant to short-circuit

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or circumvent statutory procedures. It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations, as for instance where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the prevention of public injury and the vindication of public justice require it, that recourse may be had to Article 226 of the Constitution.

7. Further reliance has been placed on a decision in the case of ***Jaipur Vidyut Vitran Nigam Limited & Ors. Vs. MB Power (Madhya Pradesh) Limited & Ors. : (2024) 8 SCC 513***, especially paragraph 128 thereof, which reads as follows:

> *"128. We find that the High Court was not justified in entertaining the petition. The Constitution Bench of this Court in PTC [PTC India Ltd. v. CERC, (2010) 4 SCC 603 : 2010 INSC 146] has held that the Electricity Act is an exhaustive code on all matters concerning electricity. Under the Electricity Act, all issues dealing with electricity have to be considered by the authorities constituted under the said Act. As held by the Constitution Bench of this Court, the State Electricity Commission and the learned APTEL have ample powers to adjudicate in the matters with regard to electricity. Not only that, these Tribunals are tribunals consisting of experts having vast experience in the field of electricity.*

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> *As such, we find that the High Court erred in directly entertaining the writ petition when Respondent 1 i.e. the writ petitioner before the High Court had an adequate alternate remedy of approaching the State Electricity Commission."*

8. Besides the preliminary objection with regard to the maintainability of the writ petition, he further drew the attention of this Court to a decision rendered by the Hon'ble Supreme Court in the case of ***Prem Cortex Vs. Uttar Haryana Bijli Vitran Nigam Limited & Ors. : (2021) 20 SCC 200*** to dispel the submission of the petitioner on the point of the bill raised by the Corporation is barred by limitation.

9. Considering the submissions advanced by the learned Advocate for the respective parties, without delving into the merit of the case, this Court, *prima facie*, is of the considered opinion that before approaching this Court, the petitioner has efficacious alternative remedy to approach before the Consumer Grievance Redressal Forum in order to ventilate his grievance.

10. In view thereof, this Court deems it fit and proper to direct the petitioner to file an appropriate application before the Consumer Grievance Redressal Forum along with all the necessary documents and the decisions on which he is

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placing reliance, preferably within a period of three weeks from today.

11. It is expected that the concerned respondent shall not proceed in the matter in terms of the impugned notice, till three weeks from today.

12. It is needless to observe that the petitioner shall also make a prayer for stay of the operation of the impugned notice in the said petition, which shall also be dealt with by the Consumer Grievance Redressal Forum on its own merit.

13. The writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Date of Pronouncement	19.11.2026
Uploading Date	20.11.2026
Transmission Date	NA

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