

(2020) 08 PAT CK 0032

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 5657 Of 2020

Jai Mata Di Industries

APPELLANT

Vs

North Bihar Power Distribution Company Limited, H.T. Cell
And Ora

RESPONDENT

Date of Decision : 19-08-2020

Acts Referred:

Citation : (2020) 08 PAT CK 0032

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Ajay Prasad, Vinay Kirti Singh

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Prasad, learned counsel for the petitioner and Mr. Vinay Kirti Singh, learned senior counsel for the North Bihar Power Distribution Company Limited (hereinafter referred to as the 'Company').

3. The petitioner has moved the Court for the following reliefs:

"(i) For commanding the respondents for issuing a fresh revised bill for the period 09.10.2018 to 17.01.2019 when the meter of the petitioner industries was defective in pursuance of Clause 9.16(i) of Bihar Electric Supply Code.

(ii) For issuance of a direction to consider the representation submitted by the petitioner industries with regard to issuance of revised bill as per Clause 9.16 of the Bihar Electric Supply Code assessed and billed on an average consumption of last twelve previous month from the date of meter being out of order.

(iii) For a direction to the respondent authority not to disconnect the electric supply line of the petitioner's premises till the disposal of the writ application for non-payment of disputed bill during the period 09.10.2018 to 17.01.2019 as

during the said period the meter of the petitioner's premises was defective.

(iv) To grant any other relief/reliefs to which the petitioner may be found entitled to in the interest of justice."

4. Numerous pleadings have been filed on behalf of the petitioner as well as the respondents. Finally, the picture emerges that the Company has charged the petitioner and raised a bill/demand for the months of October, November and December, 2018 on the basis of the average consumption of previous 12 months as per Clause 9.16(i) of the Supply Code. It has further been stated that as the old meter was replaced on 17.01.2019 and tested on 18.03.2020 reporting that it was running 5.12% slow and that for the months of July, August and September, 2018 it was revised by adding 5.12% for the unit consumption for the last three months.

5. Learned counsel for the petitioner submitted that the calculation made is not in terms with Clause 9.16(i) of the Supply Code as the entire period had to be calculated under such Clause and the respondents have wrongly calculated for three months under Clause 8.14(a)(ii) of the Supply Code. Learned counsel submitted that the bill should be till January, 2019 and not till December, 2019.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the respondents have raised the demand by bifurcating it into two parts; firstly, with regard to the average to be charged as per Clause 9.16(i) of the Supply Code and thereafter for three months after change of meter, if found to be defective, as per Clause 8.14(a)(ii) of the Supply Code. In view thereof, the Court does not find any ground to interfere.

7. However, with regard to the grievance of the petitioner relating to: (a) the actual calculation, (b) that the entire period should be governed by Clause 9.16(i) of the Supply Code, and (c) that the period should be till January, 2019; as prayed for by learned counsel for the petitioner, he is at liberty to file a detailed representation along with his calculation chart before the respondent no. 2. If such representation is filed within four weeks from today, the respondent no. 2 shall pass a detailed and reasoned order on the same, on each and every point raised by the petitioner, within four weeks from the date of filing of the representation. Thereafter, the parties shall be at liberty to take steps in accordance with law, before the appropriate forum, with regard to the order which may be passed on such representation of the petitioner.

8. The writ petition stands disposed off in the aforementioned terms.