

(2013) 11 PAT CK 0037
In the Patna High Court
Case No : C.W.J.C. No. 18931 of 2013

M/s. Nutan Plastic Works

APPELLANT

Vs

The Bihar State Power (Holding) Company Limited and
Others

RESPONDENT

Date of Decision : 01-11-2013

Acts Referred:

Citation : (2014) 2 PLJR 194

Hon'ble Judges : Navaniti Prasad Singh, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Navaniti Prasad. Singh, J.—Heard learned counsel for the petitioner and learned counsel for the Bihar State Power (Holding) Company Limited (Power Company) and with their consent, the writ petition is being disposed of at this stage itself. It appears that the petitioner has an LTIS-I connection with sanctioned load of 16 HP. An inspection was conducted by the officials of the Power Company on 11.9.2013 and pursuant thereto on the allegation of tampering with the meter, a criminal case was lodged, the line was disconnected and the metering equipment seized.

2. This writ petition has been filed challenging the inspection, seizure and disconnection. After the writ petition was filed, learned counsel for the petitioner states that a provisional assessment of electricity was made in terms of Section 126 of the Electricity Act, 2003 to which petitioner has already filed his objection which is yet to be disposed of. In the meantime, petitioner's unit remains disconnected.

3. For the present, learned counsel for the petitioner restricts his relief to re-connection on payment of 50% of the dues as indicated in the provisional assessment.

4. Having considered the matter, in my view, upon deposit of 50% of the dues,

as claimed in the provisional assessment, the line of the petitioner shall be re-energized with a proper meter within 48 hours from today.

5. This order would, however, be subject to the final order that is passed pursuant to consideration of objection to the provisional assessment and subject to the order that may be passed in appeal, if any, as filed by the petitioner. In other words, if an order considering objection to the provisional assessment is passed which order is statutorily subject to appeal, if any to be filed by the petitioner, if there is any outstanding dues, petitioner's connection will not be disconnected till the appellate authority in the appeal to be filed finally decides the matter and there remains outstanding dues thereafter.

6. This order of this Court directing reconnection would not inure to the benefit of the petitioner once final orders at the appellate stage, if any, is passed and dues remain to be paid accordingly. However, the petitioner shall have his remedies as against that final order as he may be advised. With this observation and direction, this writ petition stands disposed of