
(2021) 03 PAT CK 0093

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 8166 Of 2020

M/S Om Sai Baba Modern Rice Mill Pvt. Ltd And Anr

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 09-03-2021

Acts Referred:

Bihar And Orissa Public Demands Recovery Act, 1914 — Section 7

Citation : (2021) 03 PAT CK 0093

Hon'ble Judges : Anil Kumar Upadhyay, J

Bench : Single Bench

Advocate : Rajendra Narayan, Alok Ranjan, Vinay Kirti Singh, Vijay Kumar Verma, Akhileshwar Singh

Final Decision : Disposed Of

Judgement

Heard Mr. Rajendra Narayan, learned senior counsel appearing on behalf of the petitioners and Mr. Vinay Kirti Singh, learned senior counsel appearing on behalf of the respondent- South Bihar Power Distribution Company Limited.

The petitioners are aggrieved by the electricity bill dated 04.01.2020 raised by the respondent (Annexure-5) and also the notice dated 18.07.2020 issued under Section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 in Certificate Case No. 01(E)/2020-21 (Annexure-6).

Mr. Rajendra Narayan, learned senior counsel appearing on behalf of the petitioners, would submit that arbitrarily respondent-South Bihar Power Distribution Company Limited raised the bill and subsequently they have revised the bill when the Consumer Grievance Redressal Forum intervened in the matter. Vide Annexure-5, the final bill has been raised adjusting the amount of security deposit of Rs. 9,26,873.37/-and for that purpose, certificate proceeding has also been initiated against the petitioner which is pending before the Certificate Officer, Kaimur, Bhabua.

Mr. Vinay Kirti Singh, learned senior counsel appearing on behalf of the

respondent-South Bihar Power Distribution Company Limited would submit that if the petitioners insist on restoration of their electricity connection in that situation, they would be liable to pay disconnection charge, restoration charge, minimum guarantee for the period of disconnection irrespective of use of energy or not. It would be in the interest of the petitioners that the petitioners may approach the respondents for fresh connection after payment of the dues in terms of Annexure-5.

Considering the ultimate interest of the petitioners, the writ application is disposed of with a direction to the petitioners to deposit the bill of Rs.9,26,873.37/- within a period of two months from today and after deposit of the same, the petitioners shall be at liberty to file fresh application for connection which shall be considered by the respondent-South Bihar Power Distribution Company Limited on appropriate terms and conditions prevailing within a maximum period of two months from the date of submission of the application for fresh connection. The deposit of amount of the bill as contained in Annexure-5 shall have direct bearing on the pending certificate proceeding and as such, the petitioners shall be at liberty to file objection along with a copy of payment of the aforesaid bill before the Certificate Officer which shall be considered by the Certificate Officer appropriately.

With the aforesaid, the present writ application stands disposed of.