

(2014) 01 PAT CK 0116
In the Patna High Court
Case No : C.W.J.C. No. 25387 of 2013

Shakeel Akhter

APPELLANT

Vs

The Bihar State Power Holding Company Limited and Others

RESPONDENT

Date of Decision : 13-01-2014

Acts Referred:

Electricity Act, 2003 — Section 126, 127, 135

Citation : (2015) 1 PLJR 54

Hon'ble Judges : Kishore Kumar Mandal, J

Bench : Single Bench

Advocate : Suraj Samdarshi, Advocates for the Appellant; Vinay Kirti Singh, Advocates for the Respondent

Judgement

Kishore Kumar Mandal, J.—Heard Mr. Samdarshi for the petitioner and Mr. Vinay Kirti Singh for the South Bihar Power Distribution Company Ltd. and its functionaries (for short "the Company"). Considering the submissions made by the parties and the order this Court proposes to pass on the present writ application, it is not deemed necessary to keep the matter pending until filing of the counter affidavit. In fact, the parties have agreed for final disposal of the matter.

2. The petitioner runs a tailoring shop and utilizes non-domestic electric supply under category-II. The respondents made inspection of the meter and found certain discrepancies. Accordingly an FIR was lodged under Section 135 of the Electricity Act (for short "the Act") alleging loss of Rs. 5,27,721/-. The electric connection to the business premises of the petitioner was disconnected. The petitioner filed objection thereto. There is agreement at bar that final assessment order in terms of the Section 126 of the Act has already been passed.

3. Counsel for the petitioner states that appeal thereagainst shall be filed under Section 127 of the Act. He points out that on deposit of 50% of the final assessment amount the said appeal can be filed. Regard being had to the above, this Court disposes of the application by permitting the petitioner to deposit 50%

of the loss amount assessed by the assessing officer/authority and to file appeal thereagainst in accordance with the provision under the Act. No sooner the petitioner deposits the said amount with the respondents the electric connection to the business premises of the petitioner shall be restored within 48 hours by the respondent(s) which shall, however, be subject to final result of the appeal the petitioner proposes to file against the final assessment order. Once such an appeal is filed within three weeks, I am sure the appellate authority will consider and dispose of the same expeditiously on its own merit in the light of the mandate contained in Section 127 of the Act.