

(2021) 05 PAT CK 0008

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 24251 Of 2018

Vijay Kumar

APPELLANT

Vs

South Bihar Power Distribution
Company Ltd And Ors

RESPONDENT

Date of Decision: May 3, 2021

Acts Referred:

- Electricity Act, 2003 - Section 135

Hon'ble Judges: Anil Kumar Upadhyay, J

Bench: Single Bench

Advocate: Lal Babu Keshari, Archana Sinha

Final Decision: Disposed Of

Judgement

Heard learned counsel for the petitioner and the respondents.

The present writ application has been filed by the petitioner for a direction to South Bihar Power Distribution Company to grant electricity connection.

Learned counsel for the petitioner submits that the petitioner has deposited the requisite fee and all relevant documents, yet the respondents are sitting tight over the matter.

Per contra, Mrs. Archana Sinha, learned counsel for South Bihar Power Distribution Company submits that the petitioner has not cleared the dues. He submits that as per report of the junior engineer and also from perusal of the record it is apperant that two cases were registered against the petitioner under Section 135 of the Indian Electricity Act and a demand of Rs.9,39,828 has been raised and only unless the petitioner clears those dues, he is not entitled to fresh electricity connection.

Learned counsel for the petitioner submits that the petitioner has deposited Rs.1,00,000/- (One lakh) and odd in first case, whereas in second case the police after investigation has submitted final form, but the South Bihar Power Distribution Company is not appearing in the concerned court for settlement of the dispute finally.

The issue for grant of fresh electricity connection pre-supposes clearance of past dues and petitioner cannot claim as a matter of right fresh electricity connection without clearing the previous dues.

In the aforesaid circumstance, the writ application is disposed of with a direction to the petitioner to approach the competent authority of the South Bihar Power Distribution Company and request for (a) settlement of dues by fixing instalments, (b) the petitioner may request the South Bihar Power

Distribution Company with reference to final form submitted by the police, so far as second case is concerned. The competent authority of South Bihar Power Distribution Company will appropriately consider the claim of the petitioner and pass appropriate order with regard to either fixation of instalments for payment of previous dues or for grant of fresh electricity connection subject to appropriate terms and conditions which the South Bihar Power Distribution Company may determine in the facts of the case.

Entire decision in this regard may be taken by the South Bihar Power Distribution Company within a period of 60 days from the date of submission of application along with a copy of this order by the petitioner.

With the aforesaid, the writ application stands disposed of.