

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8919 of 2023

Chanda Sinha Wife of Sri Anchit Kumar Sinha, Resident of L.N. Singh Lane,
Thakurbari, Mohalla-Sujapur, P.S. Nathnagar, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy, Government of Bihar, Patna.
2. The South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road, Patna-1, Bihar.
3. The Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna-1, Bihar.
4. The Chief Engineer (Commercial), South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna-1, Bihar.
5. Electrical Executive Engineer, Electric Supply Division (Urban), South Bihar Power Distribution Company Ltd., Bhagalpur.
6. Asst. Electrical Engineer, Electric Supply Division (Urban), South Bihar Power Distribution Company Ltd., Bhagalpur.
7. Add. Collector cum Public Complaint Redressal Officer, Bhagalpur.
8. The District Certificate Officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek
For the Respondent/s : Mr. Subhash Pd. Singh (Ga3)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 21-03-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following
relief(s):-

“(i) For issuance of an appropriate writ/writs/order/orders /direction/directions commanding the respondents to direct the respondent authorities to connect the electric Supply of the petitioner bearing 233303455907 Consumer No-forthwith which was illegally disconnected without any prior notice to the petitioner.

(ii) For issuance of an appropriate writ/writs/order/orders /direction/directions



commanding the respondents to quash the illegal demand of Rs. 8,64,950/ in pursuance to illegal Bill for the month of August 2020 as well as notice dated 1/3/2023 in Certificated Case No-35 of 2023 issued by the Certificate Officer, Bhagalpur contained in Annexure-7 Series of the application.

(iii) For issuance of an appropriate writ/writs/order/orders /direction/directions commanding the respondents to quash the order dated 19/10/2022 passed by the Consumer Grievances Redressal Forum, Bhagalpur registered as Complaint case No-48/2022 contained in Annexure- 9 of the application.

(iv) For issuance of any appropriate writ/writs/order/orders/”

3. It is the case of the petitioner that the she has applied for a new electricity connection and the same was granted by the authority vide Consumer No. 233303455907. However, the authorities have abruptly disconnected the same and issued illegal demand of Rs. 8,64,950/- for the month of August, 2020.

4. Learned counsel appearing on behalf of the petitioner has stated that the petitioner having been given a new electricity connection for the residential/ premises at L.N. Singh Lane, Thakurbari, Mohalla-Sujapur, P.S. Nathnagar, District-Bhagalpur cannot seek to recover the dues of previous consumer having different connection and bearing Consumer No. 23330002512 from the petitioner. Learned counsel has stated that the authorities without giving any show cause notice to the petitioner nor granting any time have abruptly disconnected the electricity connection and issued a legal notice directing her to pay the dues of one Vibha



Rani Sinha bearing Consumer No. 23330002512. That though the petitioner has filed a complaint before the Public Complaint Redressal Officer, Bhagalpur, the same was dismissed and the appeal filed by the petitioner was unsuccessful. That the petitioner has approached this Hon'ble Court by way of CWJC and this Hon'ble Court has directed the petitioner to file an appeal before the appropriate forum and the petitioner has filed the appeal before the South Bihar Power Distribution Company. However, the same was not entertained and the petitioner was directed to approach the authority of the concerned district. Thereafter, the petitioner has preferred an appeal before the Consumer Grievance Redressal Forum, Bhagalpur. However, the authorities vide order dated 19.10.2022 has held that the forum is not competent to entertain an appeal under Sections 126 & 127 of the Electricity Act, 2003. Learned counsel has stated that the authorities have not followed the provisions of the Electricity Act, 2003 and have disconnected the power supply given to the petitioner. Learned counsel has therefore, prayed this Hon'ble Court to allowed the present writ petition.

5. *Per contra*, the learned counsel appearing on behalf of the respondent-Power Distribution Company has vehemently opposed the very maintainability of the present writ petition and



stated that the earlier consumer i.e., Late Vibha Rani Sinha was having a Consumer Connection bearing No. 23330002512 in the very same premises where the petitioner has applied for a new connection and that the said Vibha Rani Sinha had arrears to the tune of Rs. 6,89,836/-. That the late Vibha Rani Sinha is none other than the mother-in-law of the petitioner. That the petitioner without disclosing the earlier connection of her mother-in-law has applied for the new connection. That the authorities after coming to know about the same have taken action strictly in accordance with the provisions of the law. That the petitioner is liable to pay the earlier dues of the previous consumer for the very same premises. That the present writ petition is liable to be dismissed on the ground that the petitioner has approached this Hon'ble Court with unclean hands by suppressing material facts and filing a false affidavit. It is further stated by the learned counsel that the Certificate Case No. 35/2022-23 has been instituted for recovery of the amount due to the Department. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition with exemplary costs.

6. Admittedly, in this particular case fact that the earlier connection is standing in the name of Late Vibha Rani Sinha for the very same premises has not been denied by the petitioner.



When queried by this Court with regard to the relationship between the petitioner and Late Vibha Rani Sinha, the petitioner initially tried to deny the relationship between Late Vibha Rani Sinha and herself however has accepted that Late Vibha Rani Sinha is her mother-in-law i.e., her husband's mother. Once it comes to the knowledge of the authorities that in respect of the very same premises, the earlier electricity connection is having dues, the subsequent consumer is liable to pay the same more so, when the petitioner is claiming the subject property through the very same person. In this particular case, the petitioner when queried by this Court, has declined to answer as how she got the property and tried to evade the question but as culled out from the material available on record, it is evident that the petitioner is none other than the daughter-in-law of Late Vibha Rani Sinha and claiming the property through her only. The provisions of the Act are very clear on this aspect, that any subsequent consumer is bound to clear the outstanding dues, if any of the earlier consumer more so, when the property is being claimed through the very same person. In this particular case, though the petitioner had not disclosed about the earlier connection and the outstanding dues of the earlier consumer bearing No. 23330002512, the authorities subsequently having come to know about the same are justified in



seeking to recovery the said outstanding dues from the petitioner herein.

7. Having regard to the above mentioned facts and circumstances, this Court does not find any merit in the present writ petition which warrants any interference by this Court. The writ petition is accordingly, dismissed however, without any costs.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2025.
Transmission Date	NA

