

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.323 of 2025

In
Civil Writ Jurisdiction Case No.18577 of 2024

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Mukesh Kumar Singh Son of Brij Nandan Singh, Resident of Gayan Chak,
P.O.- Kothiya, P.S.- Didarganj, District- Patna.

... .. Appellant/s

Versus

1. The Managing Director Cum Chairman South Bihar Power Holding Company vidyut Bhawan No. 1 Bailey Road, (Nehru Path) Patna.
2. The Electrical Superintendent Engineer S.T.F, Electricity Supply Circle Patna.
3. The Electrical Executive Engineer M.R.T. Electric Supply M.R.T, Division Bakhtiyarpur, District- Patna.
4. The Assistant Electrical Engineer S.T.F, Electric Supply Circle, Patna.
5. The Assistant Electrical Engineer Cum Assessing Officer, Dedarganj, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Mani Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, Advocate
For the SBPDCL	:	Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate
		Ms. Anuradha Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-01-2026

The appellant, Mukesh Kumar Singh, has filed this Letters Patent Appeal challenging the order dated 12.02.2025 passed in C.W.J.C. No. 18577 of 2024. The appellant had approached this Court for quashing/setting aside and stay of Final Assessment Letter No. 962 dated 04.10.2024, passed by the Assistant Electrical Engineer, Electric Supply Sub-Division, Didarganj, Patna. The learned Single Judge, in the



impugned order, has been pleased to hold that an efficacious alternative remedy of filing an appeal under Section 127 of the Electricity Act, 2003 against the final assessment order is available to the appellant and therefore the writ petition was not entertained.

2. Section 127 of the Electricity Act, 2003 reads as follows:-

"127. Appeal to appellate authority.-(1) Any person aggrieved by a final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to [half of the assessed-amount] is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed alongwith the appeal.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the assessing officer and the appellant.

(4) The order of the appellate



authority referred to in sub-section (1) passed under sub-section (3) shall be final.

(5) No appeal shall lie to the appellate authority referred to in sub-section (1) against the final order made with the consent of the parties.

(6) When a person defaults in making payment of assessed amount, he, in addition to the assessed amount, shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent per annum compounded every six months."

3. Learned counsel for the appellant, though he does not dispute that an alternative remedy is available to the appellant, submits that in view of sub-section (2) of Section 127, the appellant is required to deposit half of the assessed amount for entertaining the appeal.

4. Learned counsel further submits that the financial condition of the appellant is not good and it would not be possible for the appellant to deposit half of the assessed amount.

5. Be that as it may, in view of the settled position of law which has recently been reiterated by the Hon'ble Apex Court in ***Civil Appeal No. 6719 of 2012 (Rikhab***



Chand Jain vs The Union of India & Ors.) disposed of on 12.11.2025 and admittedly an alternative remedy is available.

6. In view of the limited scope of the Letters Patent Appeal, we find no perversity/illegality in the impugned order. However, while filing the appeal, as observed in the impugned order, if any application is filed for reducing the deposit of the assessed amount, the same shall be considered in accordance with law.

7. With the aforesaid observation(s), the appeal stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Ritesh Kumar, J)

Neha/-

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CAV DATE	
Uploading Date	12.01.2026
Transmission Date	

