
(2020) 06 SHI CK 0029

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1647 Of 2020

Amba Metals

APPELLANT

Vs

Himachal Pradesh State Electricity Board Ltd. And Others

RESPONDENT

Date of Decision : 03-06-2020

Acts Referred:

Citation : (2020) 06 SHI CK 0029

Hon'ble Judges : Tarlok Singh Chauhan, J; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Amit Jamwal, Vikrant Thakur

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The limited prayer, with which the consumer, has come up with the writ petition, is to permit it to make the payment of the arrears of electricity dues in installments.
2. Heard Mr. Amit Jamwal, Advocate, for the petitioner and Mr. Vikrant Thakur, Advocate, for the respondents.
3. It is stated by the learned counsel for the petitioner that on account of the lockdown due to Covid-19 pandemic, the Industry has been closed, whereas the liability of the Company to pay is mounting everyday as the labourers and other employees have to be paid their salaries and other emoluments in terms of the directions issued by the Government.
4. We take judicial notice of the fact that as regards the State of Himachal Pradesh, in addition to the lockdown, there is also curfew imposed throughout the State by the Government. In such circumstances, the petitioner-Company was definitely not in a position to carry out its manufacturing activities or other activities so as to generate any income.

5. Therefore, taking into account the overall facts and circumstances, the writ petition is disposed of directing the petitioner to pay the arrears of dues, which are more than rupees four crores, in four monthly installments.

6. As regards, the prayer made by the petitioner for exempting it from payment of surcharge, we find merit in the same, as admittedly, the petitioner has not defaulted in making payments towards outstanding electricity charges on earlier occasions and, as observed above, the working of the petitioner-Company has come to a stand-still after the lockdown was imposed by the Government. Accordingly, the petitioner is exempted from paying surcharge.

7. The payments of the outstanding amount in terms of this order shall now be made in four equal installments on or before the 10th day of every month. In the event of default of any installment or major part thereof, the respondents shall be at liberty to disconnect the electricity connection of the petitioner. In addition thereto, the petitioner shall also be liable to be proceeded and prosecuted under the Contempt of Courts Act. The parties are left to bear their own costs. Pending application(s), if any, shall also stand disposed of.