

(2002) 09 JH CK 0036

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5292 of 2002

Anirudh Flat Owners Association

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 27-09-2002

Acts Referred:

Citation : (2003) 1 JCR 481

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajiv Ranjan, for the Appellant; A.K. Mehta, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The writ petition has been preferred by Annirudh Flat Owners Association, an association of 170 flats owners of Annirudh Apartment, 3rd Street, Shukla Colony, Town & District-Ranchi. They have challenged the bills for the month of June, 2002 received by the Association in July, 2002 for Rs. 35,499/- and another bill of July, 2002 for Rs. 42,855/-.

2. According to petitioner, the bills in question relates to "common area" of residential apartment raised on the basis of commercial tariff, treating the petitioner as CS-2 category consumer though its members are Domestic Category consumers. The bills are stated to be illegal, arbitrary being contrary to the provisions of the amended tariff as made on the basis of decision of the Court.

3. It was brought to the notice of the Court that vide Circular No. 472 dated 14th August, 1996 the Secretary, Bihar State Electricity Board, Patna, giving reference of a judgment passed by the Supreme Court communicated the amended tariff. At Clause-F therein in respect to multistoried building, it is stipulated that the rates applicable to domestic category consumer shall also apply for "common area" of a multistoried building.

4. Having regard to the facts and circumstances, the case is remitted to the Electrical Superintendent Engineer, J.S.E.B., Dhurwa, Ranchi with a direction to

decide whether the bills have been properly raised as per amended tariff as mentioned above, within six weeks from the date of receipt of this order, and, if necessary, the respondents will raise fresh bill in accordance with tariff.

5. If any application is preferred by the petitioner along with a copy of this order and petitioner deposits a sum of Rs. 8,000/- (eight thousand) within 15 days, the respondents will not take any coercive step against the petitioner in pursuance of the bills in question. This order will not be applicable to the members of the petitioner, who will pay the current charges.

6. The-writ petition stands disposed of, with the aforesaid observations/directions.