
(2002) 04 JH CK 0040
In the Jharkhand High Court
Case No : Writ Petition (C) No. 5678 of 2001

Dhanbad Ice Company

APPELLANT

Vs

The Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 08-04-2002

Acts Referred:

Citation : (2002) 04 JH CK 0040

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

Bench : Single Bench

Advocate : J.K. Pasari, for the Appellant; T. Sen and Ajit Kumar, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner has challenged the supplementary bill dated 17th July, 2001 raised as per the Clause 16.9 of 1993 tariff. While the supplementary bill has been raised vide Annexure-4 dated 17th July, 2001, vide Annexure-4/1 petitioner has been asked to deposit a sum of Rs. 2800/- as security money.

2. The main plea taken by petitioner is that the supplementary bill aforesaid has been raised by respondents without giving any opportunity to the petitioner.

3. The case of petitioner is that its load is 55 H.P. but it has been wrongly shown as 62 H.P. on the basis of wrong report dated 19th May, 2001 submitted behind the back of petitioner.

4. The case of the respondents is that the petitioner's unit on inspection made on 28th April, 1999 was found to have connected load of 41 H.P. but later on it was detected on 19th May, 2001 that the unit was using more power to the extent of 62 H.P. However, it has not been disputed by the respondents that the supplementary bill has been raised without any notice to the petitioner on the basis of a report submitted behind its back.

5. In the facts and circumstances the supplementary bill dated 17th July, 2001

contained in Annexure-4 and the consequential demand for deposit of security money made vide Annexure - 4/1 are set aside. The case is remitted to the General Manager-cum-Chief Engineer, Area Electricity Board, Dhanbad who may get the matter inspected through any officer in presence of any agent of the petitioner and may pass appropriate order or raise supplementary bill under clause 16.5 of 1993 tariff, if permissible.

6. If any amount has been deposited by petitioner in pursuance of Annexure-4 and 4/1, Board may adjust the same if so required on the decision as may be taken under clause 16.9 of the 1993 tariff.

7. The writ petition stands disposed of.