
(2002) 01 JH CK 0027
In the Jharkhand High Court
Case No : CWJC No. 629 of 2000 (R)

Dr. Saiyed Ishtyaque Ahmed

APPELLANT

Vs

The Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 07-01-2002

Acts Referred:

Citation : (2002) 01 JH CK 0027

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : R.S. Mazumdar, for the Appellant; V.P. Singh, for the Respondent

Judgement

M.Y. Eqbal, J.—Heard learned counsel appearing for the parties.

2. In this writ application the petitioner seeks appropriate direction upon the respondents for restoration of electrical connection and to raise correct bill after adjusting Rs. 20,000/- deposited by the petitioner pursuant to the condition imposed while granting anticipatory bail to him. It appears that a meter installed in the petitioner's premises became defective in the year 1983 and since then bills were raised on the basis of fixed charged of 36 units per month. In 1996 the respondent Board by legal notice dated 14.6.1996 called upon the petitioner to pay the arrears of Rs. 16,414.00. Against the aforesaid notice the petitioner submitted his reply stating, inter alia, that the Board was repeatedly requested to replace the defective meter and to raise fresh bills after necessary correction but the meter was not replaced and fresh bills were not raised. However, it appears that in 1999 FIR was lodged against the petitioner alleging that although electric line was disconnected in the year 1995 and despite that the petitioner was committing theft of electricity.

3. The respondents' case in the counter-affidavit is that in 1995 due to the arrears amounting to Rs. 16,414.00 the electric line of the petitioner was disconnected. In 1999 (sic) unauthorised connection.

4. Admittedly after lodging of the FIR no fresh bills has been raised by the

respondent Board. It appears that the petitioner deposited a sum of Rs. 20,000/- which was a condition imposed for grant of anticipatory bail in the criminal case initiated on the basis of FIR lodged by the Board.

5. In the facts and circumstances of the case I direct the Electricity Board to raise bill after giving show cause notice to the petitioner as to why he should not be saddled with liability of payment of electricity charges for the alleged unauthorised consumption of electricity. After show cause notice and after hearing the petitioner the Board shall raise a fresh bill which shall be paid by the petitioner within two weeks from the date of service of the bill. In the meantime if the petitioner deposits a sum of Rs. 10,000/- then the supply of electricity shall be restored within three days from the date of such deposit. It is made clear that this order will not in any way prejudice the criminal case which is pending before the Court below between the parties. It is also clarified that out of the amount finally found payable by the petitioner, the amount deposited by this order and on the earlier occasion shall be adjusted. It is agreed by the Board that petitioner shall supply new meter which shall be installed by the Board after completing all the formalities including testing etc.

6. With the aforesaid observation/direction this writ application is disposed of.

7. Writ application disposed of.