
(1994) 02 AHC CK 0028

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 8984 of 1993

Hindustan Ferro Alloys Ltd. and Another

APPELLANT

Vs

U.P. State Electricity Board and Others

RESPONDENT

Date of Decision : 16-02-1994

Acts Referred:

Citation : (1994) 2 AWC 755

Hon'ble Judges : R.A. Sharma, J;N.L. Ganguly, J

Bench : Division Bench

Advocate : R.G. Padia and Prakash Pandia, for the Appellant;

Final Decision : Dismissed

Judgement

R.A. Sharma, J.—Petitioner is a public limited company It established a factory in District Hamirpur for manufacturing ferro silicon/ferro alloys. For running its factory it applied for power connection before U.P. State Electricity Board (hereinafter referred to as the Board), which was sanctioned and an agreement was accordingly entered into between the Board and the Petitioner.

2. Government of Uttar Pradesh in April, 1990 decided to give incentive/concession for establishment of new industries in various districts of the state. One of the concessions was exemption from payment of minimum consumption guarantee charges for a period of five years for the new industries. In pursuance of the above policy the Government of Uttar Pradesh issued an order dated 15-10-1990.

3. Only grievance raised by the Petitioner in this petition is that although it is entitled to rebate of fifty percent in respect of entire amount of the bills issued by the Board, but the Board is granting rebate only in respect of energy charges. It is thus claimed that the Petitioner is entitled to rebate in respect of various other items, such as fuel cost variation and establishment surcharge. In support of this submission reliance has been placed, on behalf of the Petitioners, on the rate schedule fixed by the Board copy of which has been filed as annexure-2 to

the writ petition.

4. Learned Counsel for the Board, apart from disputing the above sub-mission, has contended that Petitioner's factory having been established before the policy decision of the Government and it, being not a new industrial Unit, is not entitled to any rebate at all. It is not necessary to go into this question, because even otherwise contention of the learned Counsel for the Petitioner lacks merit.

5. According to the above notification rebate "on the amount of the bill as computed under items Nos. 4 and 7" is liable to be given to new industrial units. Item No. 4 deals with energy charges whereas item No. 7 relates to the extra charges. A consumer is entitled to the rebate on the above two items only (items No. 4 and 7), and no rebate is liable to be given to him on any other item.

6. Petitioner has raised some other grievances in its other connected writ petitions (leading case being No. 16810 of 1990), which have already been decided by this Court to day.

7. This writ petition lacks merit and is accordingly dismissed.