

(2004) 03 JH CK 0069
In the Jharkhand High Court
Case No : W.P.C. No. 1467 of 2004

Hotel Woodland

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 18-03-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 2 JCR 224

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

Bench : Single Bench

Advocate : M.S. Mittal, for the Appellant; Ajit Kumar, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this writ application the petitioner has prayed for issuance a writ in the nature of certiorari for quashing the order dated 2.12.2003 passed by the Consumer Grievance Redressal Forum, Jharkhand State Electricity Board, Ranchi in Consumer Case No. 21/2003 and further for quashing the letter dated 20.1.2004 issued by the Electrical Executive Engineer, Electricity Supply Circle, Dhanbad intimating the petitioner that the bill has been corrected and a sum of Rs. 7,03,955/- is payable to the Board.

2. The petitioner is running a hotel in the town of Dhanbad. In 1999 when the petitioner was served with bill of different amounts, it challenged the same by filing CWJC No. 2970/99R. The writ petition was disposed of on 30.1.2001 directing the respondent-Board to raise fresh bill. When fresh bill was raised, the petitioner again challenged the same by filing CWJC No. 2064/2001 which was disposed of on 11.5.2001 and the matter was remitted to the Consumer Grievance Redressal Forum.

3. Before the Forum the petitioner prayed for a direction upon the respondents to make Inspection of the premises of the petitioner to ascertain the connected load, and thereafter, raise bill on the basis of connected load and for other

reliefs. Petitioner's case is that it has connected load of 8 KW in the hotel. The meter installed in the premises was out of order since 1996 and new meter was installed in 2000. But in 1998 electric bills were raised on the basis of contract load of 18 KW. This Court in C.W.J.C. No. 2064/2001 directed the Board to make local inspection of the premises of the consumer to ascertain to connect load. In compliance of the said direction the premises was inspected and the connected load of 15 K.W. was found. However, from the inspection report it was found that the petitioner refused to sign the inspection report on the ground that higher wattage of bulbs were included in the said inspection report. The petitioner thereafter disputed the subsequent bills raised by the Board on the basis of connected load of 18 K.W.

4. The respondent-Board contested the claim of the petitioner before the Forum and stated in their counter-affidavit that the load of petitioner's premises was found 18 K.W. and accordingly the bills were raised on the basis of the said load. It is contended that in terms of order dated 30.1.2001 passed in C.W.J.C. No. 2970/ 99(R) the bill of the petitioner had already been revised on the basis of consumption recorded by the new meter. The tribunal recorded the following findings :

"The learned counsel for the petitioner submits that originally load of his electric connection was 8 K.W. but the bill date 28.12.1998 was served by the respondents on the basis of 18 K.W. In the support of the statement that connected load was 8 K.W., the petitioner has not submitted any document whatsoever. On the contrary, the learned counsel for the respondent-Board submitted in the counter-affidavit as well as in course of his argument that connected load in the petitioner's premises on the basis of inspection conducted prior to the year 1996 was found to be 18 K.W. and accordingly the bills were regularly raised.

As the petitioner failed to prove his points that his connected load was ever 8 K.W., we are left with no option but to accept the contention of the respondent-Board that the connected load in the premises of the petitioner was 18 K.W. and the Board was within authority to raise bills on the basis of 18 K.W. till 8.3.2003 when a fresh inspection was carried out."

5. It is, therefore, clear that not only in view of the inspection made by the officials of the Board but also at the direction of the Forum fresh load inspection was carried out and the connected load was found to be 15 K.W. It is surprising to note that since 1996 the Board raised bills on the basis of 18 K.W, but never any objection was raised by the petitioner at the relevant time.

6. Be that as it may, the Forum after making reinspection of the premises of the petitioner recorded a finding that the contract load of the petitioner is 15 K.W. and on that basis the Board was directed to treat the connected load as 15 K.W. for the purpose of billing after 8.3.2003. I do not find any illegality or impropriety in the impugned order passed by the Consumer Grievance Redressal Forum.

7. The power of judicial review is not concerned with the correctness of the decision but is confined to the examination of the decision making process, namely, that the established principles of law and rule of natural justice and fairness have been followed or not. The Court while making judicial review cannot substitute its opinion for that of the administrative or quasi-judicial authority. In the case of J.M.D. Alloys Ltd. Vs. Bihar State Electricity Board and Others, , while considering the scope of judicial review it was held as under :

"There is no dispute that the Chief Engineer issued notice to the petitioner mentioning all the relevant facts to which the petitioner gave" a reply. The petitioner was also afforded an opportunity of hearing and it appeared through a counsel, who made submissions on two days and thereafter the Chief Engineer passed the order. As discussed above earlier the Chief Engineer has taken into consideration relevant factors and the findings recorded by him are clearly borne out from the material available before him. It can not be said that order passed by him is unreasonable or perverse in any manner. The High Court, therefore, rightly took the view that the order passed by the Chief Engineer that the compensatory bill is to be prepared in accordance with Clause 16.9 of the tariff could not be interfered with in a writ petition under Article 226 of the Constitution."

8. Taking into consideration the entire facts and circumstances of the case and the discussions made above, I do not find any reason to interfere with the order passed by the Consumer Grievance Redressal Forum. There is no merit in this writ application, which is accordingly dismissed.