

(2002) 05 JH CK 0048
In the Jharkhand High Court
Case No : Writ Petition (C) No. 1448 of 2002

Jagdhatri Coke Manufacturing	Vs	APPELLANT
Jharkhand State Electricity Board and Others		RESPONDENT

Date of Decision : 02-05-2002

Acts Referred:

Citation : (2002) 05 JH CK 0048

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

Bench : Single Bench

Advocate : M.S. Mittal, for the Appellant; A.K. Mehta and C. Prabha, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by the petitioner for direction on the respondents to serve final bill after adjusting the security amount of Rs. 31,200/- with interest, after complying with the directions, as contained in letter dated 25th August, 1999.

2. According to the petitioner, it is an L.T.I. Unit but the bill for the period July. 1993 to June. 1995 was wrongly raised treating the Unit as H.T. Unit. When the matter was brought to the notice of the Electrical Superintending Engineer, Electric Supply Division, Govindpur, Dhanbad, he vide letter dated 25th August. 1995 (Annexure 2) directed the authorities to raise bill by treating the petitioner's unit as L.T.I., but thereafter, the subordinate authority like Electrical Executive Engineer. Electric Supply Division, Govindpur, Dhanbad has not complied with the directions, contained in letter dated 25th August, 1995 by raising the final bill after adjusting the security amount of Rs. 31,200/- the Unit of petitioner having closed since 1999.

3. The respondents in their counter affidavit have taken plea that the petitioner failed to produce any receipt relating to security amount, in absence of which no adjustment can be made. Further, according to the respondents, the petitioner's unit having Consumer No. GRI-95 with L.T.I. as per agreement made

under 1991 Tariff, have the load capacity of 90 H.P. The petitioner prayed to reduce the load from 90 H.P. to 78 H.P. for which he applied and for that a security money of Rs. 33,200/- was to be deposited by the petitioner.

4. It appears that the respondents have shown the outstanding dues of Rs. 3,80,147/- for the period from March 97 to November'97 though, according to the counsel for the petitioner, the last bill submitted was of much lessor amount.

5. The counsel for the Board brought to the notice of the Court that the Board intends to initiate a certificate proceeding against the petitioner.

6. Having regard to the facts and circumstances, as there is no dispute relating to L.T.I, but there is nothing on the record to suggest whether the petitioner actually deposited the security amount of Rs. 31,200/- or not no specific decision or direction can be given in the present case. If the bill for the period July'93 to June 95 was wrongly raised and has not been corrected, inspite of letter dated 25th August, 1995, the petitioner should bring the matter to the notice of the higher authority. In absence of those bills, as no prayer has been made to set aside the bill, this Court is not inclined to give any finding in this respect.

7. The petitioner is given liberty to- approach the General Manager-cum-Chief Engineer. Dhanbad Area Electricity Board, Dhanbad. He may give the tentative month in which the security amount of Rs. 31,200/- is stated to have been deposited. If the bills for the month of July, 1993 to June, 1995 were wrongly raised and subsequent bills have not been prepared, the petitioner may bring the matter to the notice of the General Manager concerned who will decide the issue, on an early date, preferably within three months from the date of receipt of such application.

8. The writ petition stands disposed of.