

(2001) 09 JH CK 0048
In the Jharkhand High Court
Case No : LPA No. 359 of 2001

Jharkhand State Electricity Board

APPELLANT

Vs

Santosh Kumar Bedi

RESPONDENT

Date of Decision : 12-09-2001

Acts Referred:

Citation : (2001) 09 JH CK 0048

Hon'ble Judges : Vinod Kumar Gupta, C.J.; D.N. Prasad, J

Bench : Division Bench

Advocate : Tapen Sen, for the Appellant; M.S. Mittal, for the Respondent

Judgement

1. The supplementary affidavit filed on behalf of the Board on 4th September, 2001, indicated that the respondent, Santosh Kumar Bedi, had actually himself applied for a commercial connection of power (5 KW). This fact has been admitted by the respondent in reply filed by him on 10th September, 2001, Para 3 and 4 of his said affidavit are referable to this aspect of the matter. Because of the fact that the respondent himself had applied for a commercial connection, the contention raised by Mr. Mittal learned counsel appearing for the respondent, about the applicability of the tariff with respect to the domestic rates-structures for the common areas in a building perhaps will not be held applicable in this particular case because of the above-referred peculiar factual aspect. We do not want to dwell any further on this aspect and based on this observation, we feel that the judgment of the learned Single Judge should be set aside and the appeal be allowed. However, Mr. Mittal learned counsel appearing for the respondent, has informed us that the building in question is a pure residential building and that no part of it is meant for commercial use and that it comprises of 28 residential flats all of the said flats have been sold out. In fact a list of purchasers of 28 flats has been enclosed with the aforesaid reply-affidavit of the respondent as Annexure I thereto.

2. After hearing the submission of the learned counsel for the parties and by allowing this appeal finally, we pass the following orders and issue hereinbelow

mentioned directions :--

(a) The purchasers of the flats in the building in question are at liberty to apply for appropriate electric connections if they have not already done so. The Board shall consider their applications and pass appropriate orders thereupon within four weeks from today if the applications have already been received and within four weeks from the date of receipt of each individual application, if such applications have not been already received. If the Board considers that grant of connection is not permissible, it shall pass a reasoned and speaking order in each and every case. We however, do wish to observe and direct that the non-payment of any alleged outstanding arrears by the respondent with respect to the building in question shall not be any ground for the Board to reject the applications for individual connections of any purchasers of any flat.

(b) The respondent is at liberty to apply to the Board for a domestic service connection with respect to the common area of the building either by way of having the existing commercial connection converted into the said domestic service connection or by way of a fresh grant. The Board shall pass appropriate orders on this request of the respondent also within four weeks from today.

(c) If there is any outstanding arrear against the respondent, the Board shall communicate the same to him within four weeks from today. On receipt of such communication, if the respondent disputes the tenability of such arrears, he shall be at liberty to make a representation to the General Manager-cum-Chief Engineer of the Board of the concerned area within two weeks from the date of receipt of such demand notice. The General Manager-cum-Chief Engineer concerned shall consider the same on its merits and dispose it of within two weeks from the date it is received by him by passing a reasoned order.

3. The appeal is disposed of. No order as to costs.

4. Appeal disposed of.