
(2002) 09 JH CK 0041

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4716 of 2002

Kanak Lata Sharma

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 19-09-2002

Acts Referred:

Citation : (2002) 09 JH CK 0041

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

Bench : Single Bench

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

Judgement

S.J. Mukhopadhaya, J.—The writ petition has been preferred by the petitioner against the letter dated 9th August, 2002 issued by the Assistant Electrical Engineer, Upper Bazar, Ranchi, whereby he refused to grant the electrical connection in the premises of the petitioner on the ground that until, unless the dues of Rs. 48,411/- pending in the name of erstwhile consumer is not paid, no electrical connection can be given.

2. The petitioner claims to have purchased the land from Co-operative Society by registered sale-deed dated 19th July, 2000 (Annexure-1). According to the counsel for the petitioner, the respondents cannot force the subsequent owner/ consumer to pay the dues of the erstwhile occupant/ consumer. Reliance is being placed on the decision of the Supreme Court in Isha Marbles Vs. Bihar State Electricity Board and Another, .

3. The respondents in their counter affidavit have accepted that the dues was against the erstwhile owner as evident from the statement made at para-4 to the counter affidavit. It is stated that the land was sold by one Madheshwar Mishra, the husband of Mrs. Rita Devi to one Kunj Sahkari Grih Nirman Samiti Ltd., a registered Co-operative Society. The petitioner has purchased the land from the said co-operative society. The outstanding dues of Rs. 48,411/- is in the name of Madheshwar Mishra, the husband of Mrs, Rita Devi.

4. The learned counsel for the Board referred to registered sale deed to suggest that the vendor has made wrong statement that the land was free from all encumbrances. Such submission is to be rejected as the petitioner cannot suffer for any statement made by the vendor. Further, there cannot be electrical energy dues against a premises, but it can be against an occupant/consumer.

5. In the facts and circumstances, the order contained in letter dated 9th August, 2002 (Annexure-3) is set aside. The case is remitted with direction to the respondents to give fresh electrical connection in the premises of the petitioner within 48 hours from the date of receipt of requisite amount and completion of all formalities without asking for dues of the erstwhile owner/occupant from the petitioner.

6. The writ petition stands disposed of, with the aforesaid observation and direction.