

(1992) 01 KAR CK 0054
In the Karnataka High Court
Case No : W.A. No. 3081 of 1991

Karnataka Electricity Board

APPELLANT

Vs

N.R. Pawar

RESPONDENT

Date of Decision : 09-01-1992

Acts Referred:

Electricity (Supply) Act, 1948 — Section 5
Karnataka Electricity Supply Regulations, 1988 — Regulation 44.07

Citation : (1992) ILR (Kar) 584 : (1992) 2 KarLJ 14

Hon'ble Judges : S.P. Bharucha, C.J.;Shivaraj Patil, J

Bench : Division Bench

Advocate : N.K. Gupta, for the Appellant;

Final Decision : Dismissed

Judgement

S.P. Bharucha, C.J.—We are inclined to agree with the learned single Judge that electric supply cannot be cut off without giving an opportunity to the consumer to establish that he has not committed any theft thereof. We do not express any definite conclusion, however, because, apart from that, there is reason not to entertain this appeal.

2. The relevant regulation is Regulation 44.07 of the Karnataka Electricity Supply Regulations 1988. Clauses (a) & (c) thereof are relevant. Under Clause (a). It is the "authorised officer of the Board" who is empowered to estimate the value of the electricity that has been obstructed, used wasted or diverted. On the other hand, in Clause (c) it is the "Board" in whose favour the right to disconnect the consumer"s installation forthwith and without notice is given. The "Board" is defined by Regulation 2.02 to mean:

"The Karnataka Electricity Board constituted u/s 5 of the Electricity (Supply) Act 1948.

However, where the context so provides, it shall include the various officers of the Board."

It is, therefore, clear that the decision to disconnect the consumer's installation forthwith and without notice is reserved to the Board and not to any authorised officer of the Board, for Clause (c) of Regulation 44.07 does not provide that the word "Board" shall include the authorised officers of the Board, as, for example, Clause (a) of Regulation 44.07 does. The context in which the word "Board" is used in Clause (c) clearly does not permit that word to be interpreted as including an authorised officer of the Board. It is a position admitted before us on behalf of the Board that the decision in the present case to disconnect the consumer's installation was taken by the Officer who inspected the installation and, therefore, the authorised officer of the Board.

3. In the result, the Writ Appeal is dismissed.