

(2011) 08 JH CK 0132

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4586 of 2011

Kashmir Vastralaya Collection

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 24-08-2011

Acts Referred:

Electricity Act, 2003 — Section 42(5)

Citation : (2011) 08 JH CK 0132

Hon'ble Judges : Poonam Srivastav, J

Bench : Single Bench

Judgement

Poonam Srivastav, J.—Heard Senior Counsel Mr. M.S. Mittal assisted by Mr. N.K. Pasari, Ms. Shilpi Sandin John and Ranjana Mukherjee, appearing on behalf of the petitioner and Mr. Rajesh Shankar, appearing on behalf of the Jharkhand State Electricity Board.

2. The instant writ petition is preferred demanding the excess electricity charges commencing from September, 2008 to May, 2011 on the basis of some wrong and faulty connection in the meter and consequent recording of less consumption.

3. The petitioner has specifically brought to my notice that after energising the connection, he was paying the bills month to month without any default or any complaint from the respondents which is not disputed. The petitioner is aggrieved on account of supplementary bill for the previous three years from the date of its connection to the tune of Rs. 12,79,046.00 (Rupees Twelve Lacs Seventy Nine Thousand Forty Six) only.

4. The submission is that an inspection was made on 1st July, 2011. It appears that certain wires were wrongly connected inside the meter though the seal of the meter was found intact, but it was the officer of the Jharkhand State Electricity Board (for short "the Board") who made inspection and detected certain wirings were wrongly connected, and thus the meter recorded less consumption of electricity. The officers of the respondents department calculated

the less recording for a period of approximately three years i.e. the date of initial connection, thereafter bill for previous three years has been issued, which is under challenge in the instant writ petition.

5. At the very outset, counsel for the respondents has challenged the maintainability of the writ petition. He placed reliance on a decision of the Apex Court, Maharashtra Electricity Regulatory Commission Vs. Reliance Energy Ltd. and Others, . It was ruled that admittedly u/s 42(5) of the Electricity Act, 2003, Consumer Grievance Redressal Forum has been constituted and the petitioner be directed to raise his grievance before the said Forum.

6. I am in complete agreement with the said objection and, therefore, I am not inclined to interfere in the factual matters raised at the behest of the petitioner and examine the calculations as well as provisions and various regulations of the Act regarding the mode of billing and examination of the meter.

7. However, since the respondents are going to sever the electricity connection, the petitioner is entitled for an interim protection. Admittedly since the petitioner is a consumer who was regularly depositing the bills, I am of the view that no coercive measure shall be adopted against the petitioner for disconnection of the electric connection on the basis of the bill served for the previous three years which is challenged in this writ petition.

8. In view of what has been stated above, this writ petition is disposed of with a direction to the petitioner to raise all his grievance before the Consumer Grievance Redressal Forum who shall dispose of the same in accordance with law, after affording opportunity of hearing, by means of speaking order. Till the final order is passed, the amount towards three years arrears of bill as per Annexure-6 shall be kept in abeyance. The petitioner shall raise his grievance within a period of two weeks from today. The respondents Board are directed to serve month to month bill on the basis of regular consumption and accept the payment thereof without insisting for payment of arrears of three years calculated from the date of connection to the tune of Rs. 12,79,046.00 (Rupees Twelve Lacs Seventy Nine Thousand Forty Six).

9. With these observations and directions, this writ petition is disposed of.