

(2013) 02 AHC CK 0168

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 64566 of 2012

Lala Ram Batham

APPELLANT

Vs

U.P.Power Corporation Nigam, Lucknow & Ors.

RESPONDENT

Date of Decision : 12-02-2013

Acts Referred:

Citation : (2013) 02 AHC CK 0168

Hon'ble Judges : Satya Poot Mehrotra, J and Het Singh Yadav, J

Final Decision : Disposed Of

Judgement

Het Singh Yadav, J.

The present Writ Petition has been filed by the petitioner, inter alia, praying for directing the respondents to decide the claim of the petitioner regarding correction of Electric Meter reading.

We have heard Shri Raj Kumar Mishra, learned counsel for the petitioner and Shri Amrit Lal Yadav, learned counsel for the respondent nos. 1,2 and 3.

As per the averments made in the Writ Petition, the Electricity Bill dated 15.7.2011 for the period 31.3.2011 to 31.5.2011 showed the previous reading as 4006 units and the present reading as 4204 units, thus a consumption of 198 units. It is further averred in the Writ Petition that on 6.8.2011, the Meter installed in the premises of the petitioner was removed and was replaced by a new Meter. At the time of removal of the old Meter, it appears that the reading was incorrectly recorded as 42039 in the document dated 6.8.2011 (Annexure2 to the Writ Petition). It is averred in the Writ Petition that on the basis of incorrect recording of reading in respect of the old Meter, the Bill dated 24.6.2012 (Annexure4 to the Writ Petition) has been issued to the petitioner wherein arrears of Rs. 2,92,445.03 have been shown as payable by the petitioner.

It is submitted by the learned counsel for the petitioner that the Meter reading incorporated in the document dated 6.8.2011 was incorrect as would be evident

from the fact that in the Bill dated 15.7.2011, meter reading as on 31.5.2011 was shown as 4204, which would mean that the petitioner consumed 37835 units during the period from 1.6.2011 to 6.8.2011, which is not possible.

Shri Amrit Lal Yadav, learned counsel for the respondent nos. 1,2 and 3 submits that in view of the provisions contained in Clause 6.5 of the U.P. Electricity Supply Code, 2005, it is open to the petitioner to approach the respondent no.2 to raise his aforesaid grievances, and the respondent no.2 may decide the same.

Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties and keeping in view the nature of controversy involved in the present Writ Petition, we are of the view that the interest of justice would be subserved if the Writ Petition is disposed of by giving the following directions:

1. Within six weeks from the date of receipt of certified copy of this order, the petitioner will make a detailed representation before the respondent no.2 alongwith certified copy of this order and other relevant documents, if any.
2. On receipt of such representation, the respondent no.2 will proceed to decide the representation of the petitioner in accordance with law expeditiously, preferably within a period of six weeks from the date of receipt of such representation, after giving reasonable opportunity of being heard to the petitioner and by passing a speaking order.

Before deciding the representation of the petitioner, the respondent no.2 will personally inspect the old Meter, which was taken back from the premises of petitioner so as to satisfy himself regarding the correctness of the reading recorded in the document dated 6.8.2011.

The Writ Petition is accordingly disposed of with the above directions.

It is made clear that this Court has not adjudicated the claim of the petitioner on merits.