
(1991) 09 RAJ CK 0012
In the Rajasthan High Court
Case No : Civil Writ Petition 1648 of 1987

Modern Threads India Co. Ltd.

APPELLANT

Vs

R.S.E.B. and Others

RESPONDENT

Date of Decision : 27-09-1991

Acts Referred:

Citation : (1992) 1 WLC 125 : (1991) WLN 505

Hon'ble Judges : S.C. Agrawal, C.J;N.L. Tibrewal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

K.C. Agrawal, C.J.—This writ petition has been preferred by the petitioner, for issuing directions to the Rajasthan State Electricity Board (for short, "the RSEB") to pay interest on the deposits made by the petitioner towards the electricity supply. The deposits had to be made in terms of the contract by the petitioner for adjustment towards the electricity consumption, which was to occur in future. The writ petition was contested by the RSEB asserting that no interest was payable on the amount deposited by the petitioner and as such the mandamus could not be issued.

2. This controversy came for consideration before a Division Bench in the case of Rajasthan State Electricity Board, Jaipur and Anr. v. Alfa Alloy Pvt. Ltd. DB Civil Special Appeal No. 83 of 1987-decided on 30th July, 1991. Published in 1992 (1) WLC (Raj,) 97 wherein judgment of the learned Single Judge was upheld and the special appeal was dismissed. The right of the consumer to get interest on the amount, which is of the same nature as is in the present case, was held to be justified. The controversy, admittedly, is covered squarely by the aforesaid decision.

3. Mr. Ajay Rastogi, counsel for the RSEB, urged that the aforesaid decision of the special did not consider the points, which are vital for deciding the same. One of the points suggested by him was that as the RSEB was not a licensee, the

model form of draft conditions of supply framed under Rule 27 of the Indian Electricity Rules, 1956 did not apply and as such no interest was payable by the Board on the deposits made by the consumers. Even assuming the contention of the RSEB to be correct, we think that the deposits having been made with the RSEB of the money which is held by it for long, interest is payable to the consumer under the general principles of law.

4. We do not consider the present as a fit case for reconsideration of the judgment given in the special appeal No. 83/87.

5. In the result, following the decision rendered in special appeal No. 83/87 aforesaid, the writ petition is allowed and the petitioners are held entitled to get interest on the enhanced amount of security at the rate of 10% p.a. from the date of filing of the writ petition.

6. We find ourselves unable to agree with the submission of the learned Counsel for the petitioner to award costs.