

(2012) 01 JH CK 0112
In the Jharkhand High Court
Case No : L.P.A. No. 274 of 2004

M/s Hotel Woodland

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 05-01-2012

Acts Referred:

Citation : AIR 2012 Jhar 110 : (2012) 1 JLJR 169

Hon'ble Judges : Prakash Tatia, J; P.P. Bhatt, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The appellant is aggrieved against the judgment dated 18.3.2004 passed in W.P. (C) No. 1467/2004 as the learned Single Judge upheld the order passed by the Consumer Grievance Redressal Forum, Jharkhand State Electricity Board, Ranchi, in Consumer Case No. 21/2003, by which the Consumer Redressal Forum refused to quash the letter dated 20.1.2004 issued by the Electrical Executive Engineer, Electric Supply Circle, Dhanbad, raising a bill to the tune of Rs.7,03,955/-.

2. According to learned counsel for the appellant, in the premises in question, an electrical connection was already there prior to its purchase of the premises in the year 1986. In the year 1986 itself, the appellant applied for conversion of the said connection from one phase to three phase connection and deposited the requisite fees on 10.2.1986. Thereafter the estimated cost was assessed on 12.3.1986. In the said assessment, it was clearly disclosed that at that time, applied load was 8 KW. The appellant was accordingly directed to deposit the estimated cost for conversion of electric connection from one phase to three phase connection. A letter was also issued to the writ petitioner-appellant for execution of the agreement. However, in the year 1996, when the appellant received a bill on 8.1.1996 raising a demand of Rs.91,559/-, it objected to this demand, vide letter dated 27.1.1996 and submitted that the connected load has been shown as 18 KW, which is in excess" of the actual connected load, It was

also intimated to the Electricity Board that the meter was not working since long and the appellant was given excessive bill. The appellant again gave a letter on 1.3.1996 to the same effect. However, admittedly the meter was not changed till 16th March, 2000 and the meter was changed on 16th March, 2000, which fact was recorded by this Court in the order dated 30.1.2001 passed in CWJC No. 2970/1999R. In said CWJC No. 2970/1999R, which was disposed of on 30.1.2001, directions were issued to the respondents to raise a fresh bill to the writ petitioner-appellant. In pursuance of the order dated 30.1.2001, a fresh bill was issued. Therefore, the petitioner again approached this Court by filing CWJC No. 2064/2001, which was disposed of on 9.1.2003 and the matter was remanded to the Consumer Grievance Redressal Forum, Jharkhand State Electricity Board. The said Consumer Forum had accepted the appellant's contention that in case of defective meter, the electrical consumption can be charged according to the provision made in clause 16.8 of 1993 Tariff Notification. But so far as other relief claimed on the basis of the connected load in the premises of the appellant is concerned, that was rejected. Hence, the appellant had preferred writ petition before this Court as W.P. (C) No. 1467/2004, which was dismissed by the order dated 18th March, 2004.

3. It appears from the orders referred above, dispute was raised with respect to the connected load in the premises of the appellant, whereas it is the admitted case of the respondents themselves that the appellant had informed the respondents about the defective meter in the year 1996. Clause 16.8 of 1993 Tariff Notification, as has been held by the Consumer Grievance Redressal Forum, became applicable in the case of the appellant for charging electric consumption as the meter in the premises of the appellant was defective. Therefore, the only question, which, in fact, involved in this case, was whether the Electricity Board could have charged the electrical consumption charges on the basis of even connected load or it could have charged electrical consumption charges only on the basis of average charge. This legal issue though has been decided in favour of the appellant by the Consumer Grievance Redressal Forum, yet the bill in question has not been examined to find out whether the bills subsequently raised by the Electricity Board is in accordance with clause 16.8 of 1993 Tariff Notification.

4. We also perused the communication sent by the appellant to the respondents on 20.1.2004, annexure - 20, wherein it is mentioned that in terms of clause 16.8, the bills have been corrected for the months March, 1995 to February, 2000, but in para 2 of this communication, it is mentioned that a demand of Rs.7,03,970/- has been sent after correcting (deleting) Rs.6,711/-. Therefore, it appears that the grievance of the appellant is only with respect to non-following of the directions issued by the Consumer Grievance Redressal Forum. From Annexures - 20 and 21, it is difficult to find out as to whether the bills had been raised as per clause 16.8 of 1993 Tariff Notification. However, it is the admitted position that on 16.3.2000, new meter was installed in the premises of the appellant. After 16.3.2000, the appellant was liable to pay electrical consumption

charges according to the consumption recorded in the meter.

5. In view of the discussion made above, we direct the respondent-Electricity Board to give complete details as to how bills have been raised for the period from March, 1995 to February, 2000 and how it is in accordance with clause 16.8 of 1993 Tariff Notification. In case, the bills as raised, vide communication dated 20.1.2004, are found to be not in accordance with clause 16.8 of 1993 Tariff Notification, the Board may issue current bill and in that situation, the appellant shall not be liable to pay any payment on account of delayed payment of electricity charges. However, if the bills are found to be in accordance with clause 16.8 of 1993 Tariff Notification, the appellant shall be liable to pay delayed payment charge also.

6. So far as fixed charges are concerned, it is made clear that before this Court or from the impugned orders it is not found that there is any inspection report prior to the inspection report dated 8.3.2003. Therefore, it is observed that for levying fixed charges, the Board may look into their own records to find out appellant's connected load at the relevant time and if any liability of the appellant is found according to that connected load, for that connected load, the respondents may raise bills accordingly. This appeal is allowed accordingly.