

(1996) 02 AHC CK 0053

In the Allahabad High Court

Case No : Civil Miscellaneous W. P. No. 1319 of 1996

Nagar Palika Parishad, Sahsawan

APPELLANT

Vs

U.P. State Electricity Board, Lucknow and Others

RESPONDENT

Date of Decision : 05-02-1996

Acts Referred:

Citation : (1996) 02 AHC CK 0053

Hon'ble Judges : Palok Basu, J and V.P. Goel, J

Final Decision : Disposed Of

Judgement

1. Nagar Palika Parishad, Sahsawan district Budaun is the petitioner which the U. P. State Electricity Board through its Executive Engineer, Vidyut Vitran Khand II, Budaun is the respondent along with allied opposite parties. It is unfortunate state of affairs that such petition has to come up. While the U. P. State Electricity Board has claimed that Nagar Palika Parishad is in arrears of electricity dues to the tune of Rs. 26, 52, 287 91 the petitioner Nagar Palika Parishad claims that a sum of Rs. 34, 82, 250 is due as rent and taxes payable by the U.P. State Electricity Board to the petitioner.

2. Sri Vijendra Singh, learned counsel for the petitioner has vehemently argued that the petitioner is a statutory entity and has to discharge statutory obligations. It has been canvassed strenuously that the action of the opposite party in initiating recovery proceedings against such authority where no personal rights are involved, amounts to flagrant violation of executive duty. It was said that a representation in the nature of a letter has been written to the District Authority as early as on 23/3/1990 raising several issues including the question of liability of payment of electricity charges to the State Government or State Electricity Board by such statutory body as the petitioner. It is said that no decision has been taken by the Government "as yet."

3. While hearing the case, it transpired that the petitioner claims the rent and taxes from the State Electricity Board for the buildings which are occupied by it and for installing the electricity poles, transformers and Electricity Sub Stations

etc. Over the Municipal land coming within the domain of the petitioner. This has been done on the Electricity Board's demanding the alleged dues for power consumption by petitioner for the last two decades or more.

4. How sincerely one would wish that such state of affairs is not permitted to percolate and disturb the civic tranquility. This matter requires immediate action of the State officials. Sri H. P. Upadhaya, learned Standing Counsel has assured the Court that necessary action would be taken expeditiously. Under the circumstances, hoping that innocent citizens of Sahsawan will not be tormented by the tugofwar between two wings of the Executive, the concerned officers in the State Government shall pass necessary orders ensuring that suitable decision is taken and recovery proceedings from either side come to some amicable settlement in accordance with law.

5. With the aforesaid observations, the writ petition is finally disposed of at this stage.