

(2020) 04 KAR CK 0001
In the Karnataka High Court
Case No : Writ Petition No.6686 Of 2020

P C Rao And Ors

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 09-04-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 04 KAR CK 0001

Hon'ble Judges : Abhay S. Oka, CJ;B.V.Nagarathna, J

Bench : Division Bench

Advocate : Dinesh S, M.Dhyan Chinnappa

Final Decision : Dismissed

Judgement

1. This writ petition under Article 226 of the Constitution of India is purportedly filed in public interest praying for quashing the Government circular

dated 3rd April 2020. The Government circular contains the directions to all the Electricity Supply Companies (for short "ESCOMs"). The

Government circular refers to the extraordinary situation created due to the spread of COVID 19 and the lockdown. It takes note of the fact that

the consumers are unable to pay their electricity bills to the electricity distribution companies which is affecting the liquidity of the distribution

companies. The direction of the Government in the said circular is to issue bills for April 2020 on the basis of the average electricity consumption. The

circular contains a direction to make available various modes to enable the citizens to obtain copies of the bills through e-mails, Whatsapp, SMS, etc.

The avenues for making payments by different modes have also been ordered to be created such as online payment on ESCOMs website, payment

through the Karnataka One Website/App, BBPS payment by use of all banks debit

cards, credit cards, internet banking, wallet payment, UPI payments, PayU App etc. and IMI mobile App.

2. The circular specifically states that what is provided therein is only a one time measure for the current month keeping in view the COVID â?" 19

regulations in place and for the safety of the consumers. It is further clarified that the regular meter reading, billing and collection activities shall be

made as before from 1st May 2020 onwards and any difference in the average bill and the actual reading may be adjusted in the following

monthâ??s bill. Thus, the circular which is impugned in this writ petition appears to be issued in public interest.

3. The learned counsel appearing for the petitioners tried to submit that such a circular could not have been issued by the Government of Karnataka

and it ought to have been issued by the Karnataka Electricity Regulation Commission (for short â??KERCâ??). He submitted that in the other states,

moratorium has been issued for payment of the electricity bills. He submitted that the petitioners have made a representation on 8th April 2020

(Annexure-F) making a grievance about the circular dated 3 rd April 2020 and praying for grant of moratorium for payment of the electricity bills for

three months.

4. We have perused the Government circular dated 3rd April 2020. The Government circular in fact facilitates payment of the electricity bills by the

citizens sitting at their respective homes by use of various modes as specified therein. Considering the present situation, a decision has been taken to

issue the average bills for the month of April 2020 with a clarification that the exercise of issuing the regular electricity bills after taking the metre

readings will commence from 1st May 2020. The notification takes care of the excess payments made by the consumers in terms of the bills issued

for April 2020, by providing that any difference in the average bill and the bill issued on the basis of the actual reading will be adjusted in the following

monthâ??s bill. Thus, we find that the act of the State Government of issuing the circular dated 3rd April 2020 which is impugned in this petition, is

itself in the public interest.

5. The petitioners made a representation on 8th April 2020 at 11.50 a.m. and even without waiting for a single day, the petitioners filed the present

petition via e-mail on the very day at 1.31 p.m. and sought a direction to the

Authorities to consider the representation.

6. It is not the case of the petitioners that there are instances of disconnection of the electricity connection during the present period of lockdown. The impugned circular dated 3 rd April 2020 does not even refer to any such measure of disconnection of the electricity supply. Moreover, the issue of grant of moratorium to pay the electricity bills involves policy decision.

7. This Court is dealing with the very important issues such as non-availability of the food and necessities of life to the weaker sections of the society.

In our view, the petitioners ought not to have filed the present petition. Firstly, because no public interest is involved in this petition and secondly, a petition seeking a writ in the nature of mandamus is filed on the very day on which a representation was made to the State Government and other Authorities.

8. We are constrained to observe that the filing of such petition is abuse of process of law and, therefore, while we dismiss the petition, the petitioners will have to be saddled with costs. We quantify the costs amount at Rs.50,000/-. The costs amount shall be payable to the Chief Minister's Relief

Fund COVID -19. The learned Additional Advocate General who is present here states that even the online payment can be made to the Chief Minister's Relief Fund COVID-19.

9. We, accordingly, dismiss the petition and direct the petitioners to pay the costs quantified at Rs.50,000/- (Rupees fifty thousand only) to the Chief

Minister's Relief Fund COVID- 19. A copy of the receipt evidencing the payment of costs shall be forwarded by the petitioners by e-mail to the

Registrar (Judicial) of this Court within two weeks from today. We make it clear that this order will not prevent the KERC and the Government of

Karnataka from considering the representation at Annexure-F in accordance with law.