

(2002) 01 JH CK 0004
In the Jharkhand High Court
Case No : Writ Petition (C) No. 3570 of 2001

Paresh Seth

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 02-01-2002

Acts Referred:

Citation : (2002) 01 JH CK 0004

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : S.L. Agarwal, for the Appellant; B.P. Verma, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—By the Court--Heard. The petitioner has preferred this application against the energy bills dated 13th September,

2000 and 16th may, 2001 issued by the officials of Jharkhand State Electricity Board.

2. The case of the petitioner is that he purchased 1st floor of the building in question through registered sale deed dated 3rd August, 1999. He has

taken electrical connection for residential purpose and no commercial activity is being done in his portion of the building. However, the respondents

have illegally raised bills dated 13th September, 2000 and 16th May, 2001, treating the connection as commercial.

3. In the counter affidavit, filed on behalf on respondents No. 2 and 3, the aforesaid fact that the petitioner purchased the flat in multi-storeyed

building, namely, O.K. Apartment , has not been disputed. It has also not been disputed that there are two meters in occupation of Kartar Singh

and others, are for residential purpose. The only stand taken is that on the ground floor of G.K. Apartment, commercial activity is taking place

since July, 2000 and as such, the bills have been raised at commercial rates.

4. Having regard to the facts and circumstances, as it appears that the bills have been raised on mere presumption that certain commercial activities

were going on in the ground floor, without ascertaining the facts and as admittedly, the meter was installed for supplying electrical energy for

domestic consumption, the case is remitted to the competent authority of Tata Iron & Steel Company Ltd. to pass appropriate order in respect of

two bills in question dated 13th September, 2000 and 16th May, 2001 and serve the petitioner fresh bills or communicate the decision, as may be

taken, within six weeks from the date of receipt/production of a copy of this order.

5. The writ petition stands disposed of accordingly.