

(2002) 06 JH CK 0019

In the Jharkhand High Court

Case No : Writ Petition (C) No's. 5520 and 5521 of 2001

Pensol Industries Ltd. and Rec-weld Engineers

APPELLANT

Vs

J.S.E.B. and Others

RESPONDENT

Date of Decision : 10-06-2002

Acts Referred:

Electricity (Supply) Act, 1948 — Section 78A

Citation : (2002) 06 JH CK 0019

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

Bench : Single Bench

Advocate : M.S. Mittal, for the Appellant; V.P. Singh and B.S. Lal, AAG, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—In both the cases, as common prayer made to give effect to Clause 15.2.8 of the industrial Policy, 2001 of the State of Jharkhand, they were heard together and are being disposed of by this common order.

2. It appears that the electrical connection of both the petitioners was disconnected on the basis of inspection report, load having found excess to the sanctioned load. As both the petitioners disputed the aforesaid fact, prayed for restoration of connection and further prayed to give effect to Clause 15.2.8 of the Industrial Policy. 2001.

3. During the pendency of both the writ petitions, their electrical connection has been restored. The only grievance remains relating to give effect to Clause 15.2.8 of the Industrial Policy, 2001.

4. Counsel for JSEB submitted that the Industrial Policy. 2001 of the State of Jharkhand is not binding on the JSEB. If any policy decision is taken by the State u/s 78A of the Electricity (Supply) Act, 1948, in that case, the Board can act as per such policy decision of the State Government.

5. Mr. Burnwal, learned AAG appearing on behalf of the State submitted that the matter will be looked into and will be seen as to whether in terms with Clause

15.2.8 of the Industrial Policy, 2001, any policy decision required to be taken by the State Government u/s 78A of the Electricity (Supply) Act, 1948 or not.

6. At this stage, it is pertinent to mention that the State of Jharkhand came out with Industrial Policy, 2001 vide resolution dated 25.8.2001 published in Extraordinary Gazette on 30.8.2001. While Clause 15.0 deals with "Power", under clause 5.2.8, the State Government took the following decision :--

"15.2.8. Concept of maximum connected load will be changed to the concept of maximum Demand Load, Units desirous of availing this facility shall have to install electronic meters at their own cost."

7. In the facts and circumstances, as it is for the State Government to determine as to whether Clause 15.2.8 of Industrial Policy, 2001 should be treated as a policy decision of the State and it is for them to decide whether any Notification u/s 78A of the Electricity (Supply) Act, 1948 to be issued or not, the case is remitted to the State of Jharkhand through the Secretary, Energy Department to decide the matter in one or other way within three months from the date of receipt/production of a copy of this order.

8. If any adverse decision is taken, the ground be communicated to both the petitioners within the aforesaid period.

9. It may be mentioned that this Court has not determined the claim on merit.

10. Both the writ petitions stand disposed of, with the aforesaid observations/directions.