
(2001) 11 MP CK 0051
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1851 of 2000

P.R. Enterprises

APPELLANT

Vs

M.P.E.B. and Another

RESPONDENT

Date of Decision : 21-11-2001

Acts Referred:

Constitution of India, 1950 — Article 12, 226, 227

Citation : (2002) 2 MPHT 109 : (2002) 1 MPLJ 495

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : Sunil Jain, for the Appellant; P.C. Jain, for the Respondent

Final Decision : Allowed

Judgement

A.M. Sapre, J.

Challenge in this writ petition under Articles 226 and 227 of Constitution of India by the petitioner is to an order/communication dated 4-9-2000 (Annexure P-12) said to have been passed by one Committee known as Dues Settlement Committee constituted by the M.P.E.B. By this impugned order, the Superintending Engineer, City Circle, Indore has informed to the petitioner that Dues Settlement Committee has rejected the case of petitioner by observing as under :--

"No revision is required."

It is this communication which is under challenge by the petitioner in this writ.

Heard Shri Sunil Jain, learned counsel for the petitioner and Shri P.C. Jain, learned counsel for respondents.

Having heard learned counsel for the petitioner and having persued the record of the case, I am constrained to allow the writ and quash the impugned communication/order, what ever it may be named.

It is not necessary for me to go into the merits or demerits of the controversy which was subject matter of D.S.C. (Dues Settlement Committee) raised by the petitioner in regard to disputes billing raised by the Board on them. In my considered view, the impugned communication rejecting the case of petitioner by two words exhibit apparent arbitrariness. The object and purpose of constitution of the D.S.C. by the Board is to examine the cases of consumers in its real perspective both on facts and in law, and then decide whether the demand in question is sustainable or not. The consumer of electricity is expected to know the reasons as to why he is being saddled with the liability which is being denied by them. When the liability is disputed, on certain grounds, then it is expected of from the members of Committee to properly examine the case, hold some sort of inquiry, call for the record of the dispute and if necessary call the consumer as well and then inform the consumer by assigning reasons in writing as to why the demand raised by the Board on them is upheld or not. Non assigning the reasons itself vitiates the action on the ground of arbitrary exercise of powers. It never shows application of mind. The reasons of rejection must form part of the communication to the consumer so that he may know why his case was not favourably considered. It seems to me that the object for which the Dues Settlement Committee is framed by the Board for settlement of the cases is not being fulfilled or that members of Committee are not making any endeavour much less sincere endeavour to do real justice to the consumer. At least after reading the order impugned in the writ, one has to draw this conclusion.

Assigning of a reason always eliminates the arbitrariness. It enables the Courts examining the action to judge whether the approach of decision makers was legal or proper and whether there was proper application of mind or not. It helps the Court to come to its right conclusion. It is more so when the action is taken by the Committee constituted by the authority amenable to the writ under Article 12 of the Constitution and also creation of the statute. Time and again the Apex Court has emphasized the need for giving the reasons by any Authority/Court, whose orders/decisions are subject to scrutiny by Courts.

In view of aforesaid discussion, I am constrained to allow the writ and quash the order dated 4-9-2000 (Annexure P-12) and direct the respondents to place the matter of petitioner again before the Dues Settlement Committee, who in turn will re-examine the case and then pass a reasoned order so that in case, if the decision goes against the petitioner, they will know as to why and on what basis, the demand raised on them is upheld. Let this be done within three months from the date of this order.