

(2010) 07 JH CK 0061
In the Jharkhand High Court

Sailesh Kumar Prasad

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 02-07-2010

Acts Referred:

Citation : (2010) 07 JH CK 0061

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard the parties.

2. The prayer of the petitioner in this writ petition is for direction to the respondents Jharkhand State Electricity Board to restore his electrical connection, which was disconnected on 22/08/2009 on the allegation of unauthorized use of electricity though according to the petitioner, the fine/penalty imposed on him has already been deposited by him with the Electricity Board.

3. According to the petitioner, in the month of June 2008, an inspection was carried out at his residential premises by the Officers of the Jharkhand State Electricity Board and it was reported that the petitioner was found unauthorizedly utilising 7 KW of load in place of sanctioned load of 3 KW. Further, according to the petitioner, a punitive bill of Rs. 38,478/- was raised on the basis of 7 KW.

4. From the pleadings of the parties, it further appears to be that on the basis of the inspection report, FIR was to be lodged but the wife of the petitioner made a written request that she is ready to deposit the loss amount as assessed against unauthorized use of electricity and, as such, no FIR was lodged against the petitioner. Due to non-payment of the bills the electrical connection of the petitioner was disconnected in the month of June 2008. After disconnection his wife made a representation showing her willingness to deposit the total dues in installments for restoration of the electrical connection. The Electricity Board fixed installments and the first installment of Rs. 5176/- was to be paid in cash

and thereafter the payment was to be made in six equal installments by way of Post Dated Cheques with current bills. First installment was paid in cash and then the electrical connection was restored on the same day. In the meantime, the petitioner's wife filed a complaint before the District Consumer Grievance Redressal Forum. It is alleged by the Board that the four Post Dated Cheques deposited by the petitioner were bounced and then the electrical connection of the petitioner was again disconnected after issuance of notice for payment of Rs. 32844/-. It is further alleged by the respondents Electricity Board that during inspection on 21/08/2009 the consumer was found utilising power by "Tokka" though his electrical connection was already disconnected due to non-payment. Accordingly, since the petitioner was found using electricity unauthorizedly and, as such, an FIR was lodged on 21/08/2009.

5. From the facts stated above, it appears that the electrical connection of the petitioner has been disconnected because of two reasons, i.e. firstly, for non-payment of the bills raised and secondly, because of unauthorized use of electricity though his line was already disconnected.

6. The controversy raised by the parties cannot be investigated and decided in the present writ petition accordingly, without going into the merit of the allegations and counter allegations made by the parties, in order to meet the ends of justice this writ petition is being disposed of by directing the Jharkhand State Electricity Board to raise a fresh bill against the petitioner showing the total outstanding dues against him and serve a copy of the bill to him within a period of one week. On receipt of such bill, if the petitioner deposits the whole amount of dues, his electrical connection shall be restored on the date he makes the payment of the entire dues against the bill raised by the Jharkhand State Electricity Board. However, the petitioner is given liberty to raise his objection/grievance if he finds the demand to be not genuine by filing a representation within fifteen days from the date of receipt of the bill before the authority competent to look into such grievance. The concerned authority, on receipt of such representation of the petitioner, shall consider his claim and shall pass a reasoned order within fifteen days from the date of receipt of the representation and shall serve a copy thereof to the petitioner. If it is found that any amount has wrongly been charged from the petitioner then the amount, found to be paid in excess, must be refunded to the petitioner immediately thereafter but not later than fifteen days.

7. This order shall not cause any prejudice to either of the parties in any other litigation or proceedings which is pending between the parties.