
(1994) 11 PAT CK 0003
In the Patna High Court
Case No : C.W.J.C. No. 8990 of 1994

Santosh Flour Mills

APPELLANT

Vs

The Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 01-11-1994

Acts Referred:

Citation : (1995) 2 PLJR 650

Hon'ble Judges : S.K. Homchaudhury, J;Aftab Alam, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard Mr. Ramesh Kumar Agrawal, learned Counsel for the Petitioner, and Mr. Shiva Kriti Singh, learned Counsel appearing on behalf of the Electricity Board.
2. The Petitioner in this application challenges the bills contained in Annexures 2 and 2A in so far as they include a sum of Rs. 48,975/- by way of arrears. The arrears in dispute admittedly relate to the period 28th October, 1984 to 23rd November, 1986 during which the meter installed at the Petitioner's premises was not functioning properly inasmuch as one of the phases in the meter had been burnt out. It is an admitted position that the bills have been raised by adding 30 per cent load factor on the basis of the instructions contained in the Circular, dated 16.02.87, a copy whereof is to be found at Annexure-6. It is, thus, clear that the period during which the meter was not functioning properly was prior to the issuance of the circular in the year 1987.
3. A Bench of this Court in the case of M/s Steel Company, Ratu Road, Ranchi v. Bihar State Electricity Board and Ors. and another analogous case (1988 BLT (Rep.) 326) has held that the circular in question is only prospective in operation and the scheme devised in that circular for raising bills by adding load factor cannot be applied to cases prior to the issuance of the circular. The aforesaid decision of this Court applies fully to the facts of this case.
4. Mr. Shiva Kriti Singh very fairly does not dispute the aforesaid legal position.

5. We, therefore, set aside the demand for the arrears amounting to Rs. 48,975.90 as made in the bills contained in Annexures 2 and 2A. The Board shall, however, be at liberty to raise fresh bills for the aforesaid period provided permitted in law.

6. We are informed by Mr. Agrawal that the Petitioner's electrical line has been disconnected for non-payment of the aforesaid disputed arrear which now stands quashed by this order. Mr. Shiva Kriti Singh states that the Petitioner's line shall be immediately restored provided there are no other lawful arrears against the Petitioner.

7. This writ application, thus, stands allowed with the aforesaid observations and directions.