
(2008) 04 JH CK 0038
In the Jharkhand High Court

Smt. Sila Raha

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 30-04-2008

Acts Referred:

Bihar and Orissa Public Demands Recovery Act, 1914 — Section 9

Citation : (2008) 3 JCR 575

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

N.N. Tiwari, J.—In this writ petition the petitioner has prayed for a direction on the respondents to restore her domestic electrical connection, which was disconnected on 1.10.1996.

2. It has been stated that the liability of Rs. 6,000/- was tentatively fixed by the Certificate Officer by order dated 12.12.2005 and in compliance of the said order, the petitioner has deposited Rs. 6,000/- in the name of the Jharkhand State Electricity Board, Ranchi. According to the petitioner, in spite of depositing the said amount by her, in accordance with the order of the Certificate Officer, her electrical connection has not been restored.

3. The Board appeared in this case on 26.7.2007 and prayed for time to file counter affidavit. Time was granted. Thereafter, the case was adjourned on several dates on the prayer of the Board but till date no counter affidavit has been filed.

4. In absence of any counter affidavit, the facts brought on record on behalf of the petitioner remain uncontroverted. On perusal of the order dated 12.12.2005, passed by the Certificate Officer in Certificate Case No. 412 of 2003, it is evident that the Certificate Officer has taken average of 50 units per month and on that basis the petitioner was directed to pay Rs. 6,000/- and then to appear. It has been stated that the petitioner paid the said amount of Rs. 6,000/-, as directed by the Certificate Officer through the Account Payee Cheque No. 9086145 dated

14.12.2005 in the name of Jharkhand State Electricity Board but till date neither the petitioner's electrical connection has been restored nor the final order has been passed by the Certificate Officer in the said certificate case, determining any further liability. It has been submitted that the Certificate Officer has directed the Electrical Executive Engineer to serve a revised bill but that bill has also not been served on the petitioner.

5. Learned Counsel appearing on behalf of the Electricity Board submitted that the dues against the petitioner are yet to be determined after considering her objection, filed u/s 9 of the Bihar and Orissa Public Demand Recovery Act. Unless the liability is finally determined against the petitioner, she cannot claim restoration of her electrical connection, only on the basis of the said interim order of the Certificate Officer, whereby, he has directed to deposit Rs. 6,000/- on the average of 50 units per month.

6. The matter for final determination of liability is still pending before the Certificate Officer. However, the Certificate Officer by way of interim order directed the petitioner to deposit Rs. 6,000/- on the basis of average consumption of 50 units per month.

7. As per the direction of the Certificate Officer, once the amount has been paid by the petitioner, there was no difficulty for the respondents in restoring the petitioner's electrical connection, on receipt of the said payment, subject to final determination by the Certificate Officer.

8. In view of the above, this writ petition is disposed of, directing the respondent-Board to restore the petitioner's electrical connection within a period of one week from today.

9. The petitioner, however, shall be liable for payment of the dues, as may be finally determined by the Certificate Officer or by any other Court of law in the said case.