

(2002) 02 JH CK 0045

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1355 of 2002

Sri Indra Deo Tiwari

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 26-02-2002

Acts Referred:

Citation : (2002) 02 JH CK 0045

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : A.K. Yadav, for the Appellant; A.K. Mehta, for the Respondent

Judgement

Tapen Sen, J.—This case relates to grant of electrical connection on the premises purchased by the petitioner by a sale deed dated April 20, 1998.

2. The grievance of the petitioner is that although he filed an application for grant of a fresh electrical connection on 30.11.2000, yet the respondents are neither rejecting the application nor granting the electricity connection. On the contrary Mr. A.K. Yadav, learned counsel for the petitioner states with reference to paragraph 10 that the respondents are orally informing the petitioner that until and unless the outstanding dues of one Thakur Prasad amounting to Rs. 64.240/- is cleared by the petitioner, they would not grant him any electricity connection. The learned counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court of India in the case of Isha Marbles Vs. Bihar State Electricity Board and Another, as also on an unreported judgment in the case of Durga Prasad Singh v. Bihar State Electricity Board disposed of on 11.2.2000 (CWJC No. 3371/1998 (R)).

3. Learned counsel for the petitioner has also drawn the attention of this Court to an order passed as contained at Annexure 4 and submits that this writ petition can be disposed of in terms thereof. Mrs. Chandra Prabha, learned counsel appearing for the respondent has no objection to the case being disposed of in similar terms.

4. In that view of the matter while reminding respondents about the judgment of the Hon"ble Supreme Court relied upon by the learned counsel for the petitioner, this Court feels that in the facts and circumstances of this case the respondents should grant electricity connection to the petitioner immediately if requisite amount/ fees is deposited along with other relevant and requisite documents. It goes without saying that if the respondents decide to refuse to grant the connection in question, they can do so but only by a well reasoned order passed strictly in accordance with law. They will also take into consideration as to whether there is any relationship between the petitioner and the erstwhile owner.

5. This order will not, in any way construed to be a deterrent for the Board to recover the amount from the erstwhile owner. With the aforementioned observations, the writ petition is disposed of. It goes without saying that the entire exercise indicated above must be completed within a period of 15 days from the date of receipt of a copy of this order.