

(2005) 05 JH CK 0004
In the Jharkhand High Court
Case No : WP (C) No. 1609 of 2005

Subernrekha Enterprises

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 20-05-2005

Acts Referred:

Citation : AIR 2006 Jhar 47 : (2006) 1 JLJR 123 : (2006) 1 AIRJharR 623

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : N.K. Bajla, for the Appellant; Dilip Jerath, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—The petitioner M/s. Subernrekha Enterprises, through its proprietor, Shri Alok Khaitan, has filed this writ petition seeking a

direction upon the respondents Board to activate the new electrical connection of the petitioner which the Board has sanctioned and granted and

which the Board is withholding on the ground that there are some dues of the Board from another partnership firm, namely M/s. Bharat Agrico

which has been closed down in 1997.

2. Petitioner's case is that the petitioner set up an Induction Furnace Unit for casting Iron components to be manufactured. For that the petitioner

required electrical connection to the extent of 310 KVA. The petitioner said to have deposited the requisite fees and the petitioner's application

was finally sanctioned after deposit of the security amount a written agreement was executed on 11.12.2004. After completing all the formalities

only the activation of the electrical line was to be done by the Board but the petitioner was informed that there are huge amount of dues in the name

of M/s. Bharat Agrico in which the petitioner was a partner and, therefore, unless the dues are paid, new electrical connection cannot be given.

3. A counter-affidavit has been filed by the Board wherein it is stated that a dues of Rs. 14,33,102/- exists in the name of the proprietor of this

firm, namely, Shri Alok Khaitan and a certificate proceeding has already been initiated being certificate case No. 188/2000-01 before the

Certificate Officer, Ranchi. It is stated that the Certificate Officer has already issued warrant against Shri Alok Khaitan for recovery of the

aforesaid dues.

4. Mr. N.K. Bajla, learned Senior counsel appearing on behalf of the petitioner, in course of argument, admitted that in the erstwhile firm, M/s.

Bharat Agrico, the petitioner, Mr. Alok Khaitan, his father and other family members were partners. Learned counsel further submitted that the

said firm has been closed down and sold and, thereafter, the petitioner has established this new industry. Learned counsel also submitted that for

the present the petitioner is ready to deposit a sum of Pis. 4,00000/-(four lacs) as against the dues of Rs. 14 lacs and odd standing in the name of

M/s. Bharat Agrico. The petitioner, therefore, prays that warrant of arrest be recalled and the respondents be directed to dispose of its claim under

Clause 13 of the agreement.

5. I shall take judicial notice of the fact that many consumers particularly High Tension consumers, fail to pay the electricity dues because either

they close down the industry or sell it and, thereafter, establish a new unit and then apply for fresh connection despite the fact that he or they had

already defaulted in making payment of electricity dues to the Board. This is one of the reasons why crores and crores of rupees are lying due

against such consumers. In my opinion, therefore, if in such cases, notwithstanding the dues lying against those consumers, if they are allowed fresh

connection in -their new establishment, then that will amount to giving premium to those defalter-consumers.

6. Taking into consideration the facts of the case I am of the definite opinion that the unit of the petitioner should not be enregized unless the

petitioner deposits the entire dues for which a certificate proceeding has already been pending for the last five years. This writ petition, therefore,

fails and is dismissed.