

(2009) 01 GUJ CK 0007
In the Gujarat High Court

Case No : Special Civil Application No. 6482 of 2008 and Miscellaneous Civil Application No. 2957 of 2008 in Letters Patent Appeal No. 941 of 2008

Tirthbhai Vasudevbbhai Trivedi APPELLANT

Vs

The Manager (Cons.) RESPONDENT

Date of Decision : 27-01-2009

Acts Referred:

Citation : (2009) 01 GUJ CK 0007

Hon'ble Judges : K.S. Radhakrishnan, C.J.; Akil Abdul Hamid Kureshi, J

Bench : Division Bench

Advocate : A.D. Desai, for Petitioner 1 and Lopa M. Bhatt, for the Appellant;
K.B. Pujara, for Respondent 1, for the Respondent

Final Decision : Dismissed

Judgement

K.S. Radhakrishnan, C.J.—Miscellaneous Civil Application No. 2957 of 2008 in Letters Patent Appeal No. 941 of 2008 is filed for early hearing of Special Civil Application No. 6482 of 2008. Letters Patent Appeal No. 941 of 2008 was disposed of by this Court on 20.10.2008 vacating the interim order passed by the learned Single Judge in Special Civil Application No. 6482 of 2008 on 28.08.2008 and directed the Registry to post the writ petition for early hearing. Subsequently, learned Single Judge was moved for early disposal of the writ petition and the learned Single Judge on 19.11.2008 rejected the request noticing pendency of other writ petitions of earlier years. As a second chance, petitioner has filed this Miscellaneous Civil Application No. 2957 of 2008 for giving appropriate directions for placing the Special Civil Application No. 6428 of 2008 for early hearing before the learned Single Judge.

2. Considering the facts and circumstances, we deem it unnecessary to place it before the learned Single Judge, therefore, with the consent of the parties, we have called for the Special Civil Application itself for early disposal.

3. Miscellaneous Civil Application No. 2957 of 2008 stands disposed of

accordingly.

SPECIAL CIVIL APPLICATION No. 6482 of 2008

4. Heard learned Counsel for the parties.

5. Special Civil Application No. 6428 of 2008 was preferred for issuing a writ of mandamus directing the respondents to restore service connection No. 2000275 on the ground that amounts were due in respect of electricity service connection No. 521218 and not in respect of service connection No. 2000275.

6. Petitioner-Tirth Vasudev Trivedi was running a diamond cutting and polishing Units Nos. 7 and 8 at Gajraj Complex Association. Petitioner had entered into an agreement dated 07.08.1999 for purchasing these Units in his favour. Petitioner submits that he had acquired additional power for running diamond cutting and polishing machines in the year 2004 through the Chairman of Gajraj Complex Association from Ahmedabad Electricity Company. Petitioner submits that electricity bills constantly came in the name of Chairman, Gajraj Complex Association till 24.07.2004 and thereafter bills were issued in the name of Vasudev Trivedi instead of Chairman, Gajraj Complex Association. It is petitioner's case that on 18.04.2008 respondent's authorised person came to the premises and informed the petitioner of the dues in respect of service connection No. 521218, and since the same were not paid, service connection No. 2000275 would be disconnected. Petitioner has taken up a stand that he has paid up the bills relating to service connection No. 2000275, therefore, there was no justification in disconnecting his service connection for the dues in respect of service connection No. 521218. However, since service in respect of connection No. 2000275 was disconnected, petitioner approached this Court for reconnection.

7. A detailed affidavit has been filed on behalf of the respondent-service provider stating that petitioner has no locus standi to move the petition, since service connection as such was not standing in his name. It is stated that requisition form of service connection No. 2000275 was signed and submitted by Vasudev V. Sharma and requisition form of service connection No. 521218 was signed and submitted by Vasudev Vishnushankar. Theft of electricity was noticed in service connection No. 521218 on 14.02.2000, which stood in the name of Vasudev V. Sharma. Supply of electricity was, therefore, disconnected and a bill for an amount of Rs. 1,91,689/- was raised and the consumer had failed to make payment. Notice of demand and notice of disconnection was issued by R.P.A.D. to Vasudev V. Sharma on 06.06.2007 and he had failed to pay the amount. Thereafter notice of demand and notice of disconnection was issued on 03.03.2008 to Vasudev Vishnushankar Sharma and Ganeshbhai Vasudev Sharma stating that their service connections Nos. 2000275 and 609233 were liable to be disconnected for the outstanding dues of service connection No. 521218 as per the Rules and Regulations of the Electricity Supply Code.

8. The main contention raised by learned Counsel appearing for the petitioner is

that for the dues in respect of service connection No. 521218, there is no justification in disconnecting the service connection No. 2000275.

9. First of all, petitioner was not recognised as a consumer by the respondent-Company. In the affidavit filed by respondent-service provider it is stated that service connection No. 521218 stood in the name of Vasudev V. Sharma and not in the name of Tirth V. Trivedi and service connection No. 2000275 stood in the name of Vasudev Vishnushankar Sharma. Since, the respondent-service provider has not recognised the petitioner as a consumer, the petitioner has any justification or locus to file this petition.

10. The petitioner made a reference to an agreement and submitted that the petitioner has right to get the connection transferred in his name and that agreement will take away the responsibility of the petitioner in clearing the dues in respect of service connection No. 521218.

11. The respondent-service provider has not recognised the petitioner as a consumer. It is, therefore, respondent's right to say that the petition is not maintainable. If consumers are aggrieved, it is for them to take the matter to the respondent-service provider, being the appropriate forum.

12. With these observations, Special Civil Application is dismissed.

13. Rule is discharged.