

(2001) 09 PAT CK 0017
In the Patna High Court
Case No : L.P.A. No. 1036 of 2001

Vijay Kumar Agrawal

APPELLANT

Vs

The Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 21-09-2001

Acts Referred:

Electricity (Supply) Act, 1948 — Section 5

Citation : (2002) 4 PLJR 819

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. All things considered. The court did give notice to the counsel for the Electricity Board in this matter. The matter was, thus, adjourned to today.

2. Clearly, in this matter this is the third round of litigation. There had been an earlier decision dated 23.6.2000 on a writ petition by the Petitioner-Appellant on the same issues. This was on CWJC. No. 9363 of 1998: Vijay Kumar Agarwala v. The Bihar State Electricity Board and Ors.

3. Thereafter, the Petitioner Appellant filed CWJC. No. 13195 of 2000: Vijay Kumar Agarwala v. The Bihar State Electricity Board and Ors. On this learned judge passed an order dated 16 August 2001 declining to accept the contentions of the Petitioner-Appellant on the dispute as was being attempted to be raised. Issue raised by the Petitioner-Appellant to challenge any assertion that his load stood reduced from 60 to 39 HP was, in fact, not accepted by the court.

4. Suffice it to say that there was an assertion on behalf of the Board that perhaps the Petitioner-Appellant is taking advantage of a situation of a clerical error which showed the load from 60 HP to 39 HP. Be that as it may, at best it can be said that now the Petitioner Appellant desires that his load be reduced from as it was granted. Clearly, this would be a question of another agreement as it would be another set of tariffs.

5. Thus, these proceedings cannot be converted into a fact finding enquiry if the Petitioner-Appellant feels that there is a dispute between him as a consumer and the Bihar State Electricity Board, nothing stops him from invoking the provision of Clause 13, of the agreement which he has with the Board. The Petitioner resists this proposition. This agreement has statutory, sanctity u/s 5 of the Indian Electricity (Supply) Act, 1948. Besides this learned Counsel appearing for the Bihar State Electricity Board Mr. Mihir Kumar Jha has brought to the notice of the court that there are standardised instructions in situations where there may be premature determination of a contract for supply of high tension electricity and a procedure has been prescribed for this. He refers to Standing Order No. R/ HT/D2-1014/68-EB-258 dated 29 July, 1968.

6. On this learned Counsel appearing for the Bihar State Electricity Board submitted that should the Petitioner-Appellant formally represent the Board within the meaning of Clause 13 and in pursuance of the standing order aforesaid, the Board will consider his representation when made and examine the dispute in accordance with the law in context.

7. The court is not inclined to interfere with the order dated 16 August, 2001

8. Thus, dismissed.