(2004) 02 NCDRC CK 0034

In the National Consumer Disputes Redressal Commission

WBSEB APPELLANT

Vs

BHUPESH CHATTERJEE RESPONDENT

Date of Decision : 06-02-2004

Acts Referred:

Citation : 2004 2 CPJ 495

Hon'ble Judges : M.K.Basu , S.Majumder J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal arising out of the judgment passed by the District Forum, Birbhum, dated 16.12.1999. The case of the complainant in brief is stated below.

2. THE complainant is an industrial consumer. He has a coal briquette factory and that factory is running by electric energy. As his business was running in loss, the electric line was disconnected illegally by the O.Ps. on 1.4.1997 without serving any notice under Section 24 of the Indian Electricity Act. THE complainant prayed for reconnection and installation of a new meter. Accordingly reconnection was made on 20.3.1998. THEreafter, the complainant received three bills for the months of August, September and October, 1998 wherein O.Ps. claimed Rs. 2,405.19, Rs. 279.27/- and Rs. 426.51 respectively. That in the bill for August, 1998 an amount of Rs. 1,863.67 had been shown as adjustment amount A.M.G.R. (Annual Minimum Guaranteed Revenue) which was illegal because the factory remained closed from 1.4.1997 to 28.3.1998. So there was no consumption of electrical energy. THErefore, the petitioner has been charged with a much more amount than the actual consumption of electricity. Under such circumstances he filed the case in the District Forum praying for direction to the O.Ps. not to disconnect the service line, to revise the bill on the basis of average units of consumption, for installation of new meter for accurate reading, and for granting of instalments to pay the revised bills and compensation of Rs. 1,000/-. In its judgment the Forum quashed August, 1998 bill for Rs. 2,405.19 and directed the O.Ps. to raise fresh bill for that period as per consumption noted in the meter card.

Being dissatisfied with the above judgment the WBSEB-appellant has preferred this appeal before the Commission. Learned Counsel for the appellant submits that the respondent (herein) is an industrial consumer of the Board. When the respondent applied for an industrial connection for running his business, an agreement was made between the Board and the respondent according to the Electricity Act and it was signed by both the parties. As per the agreement the respondent is bound to pay the annual minimum guaranteed revenue to the Board-appellant. It has no connection with the consumption of electricity. It is argued by the appellant that it has the authority to raise the bill for collection of AMGR. So the bill for August, 1998 was not illegal as it was covered with AMGR for 1997 to 1998. As he did not pay that bill within due date, his line was disconnected. Thereafter as per the order of the Forum it was restored. The Forum has no right to quash the bill. It is submitted by the appellant that the judgment of the Forum below is erroneous, unjust, and liable to be dismissed.

3. ON careful consideration of the facts and circumstances we notice that it is an admitted fact that the present respondent is an industrial consumer of WBSEB. He has a coal briquette factory and that factory is running by electric energy. The bill raised by the appellant for the month August, 1998 was seemed to him to be inflated. Learned Counsel for the appellant submits that before installation of an industrial connection an agreement was made with the respondent. WBSEB submitted a xerox copy of that agreement. Being perused the agreement we notice that as per Clause 16(i) of the agreement the consumer shall pay the AMGR irrespective of the fact that the consumer could not consume electricity to cover such minimum charge during the respective year due to disconnection of supply for any reason whatsoever. Learned Counsel for the appellant states, by filing a letter written by Sri P.K. Ghosh, Assistant Engineer, Suri Group Electric Supply, that the AMGR for the financial years 1996-97 and 1997-98 should be paid by the respondent. Moreover, bills for 8/98 and 9/98 are quite reasonable and genuine. So, no addition or alteration of those bills is possible. We are convinced by the argument advanced by the learned Advocate for the appellant and of clear view that to honour the agreement is bound for both the parties. We are also of the considered opinion that the appellant-Board is entitled to demand the AMGR in respect of an industrial connection. Hence, it is ordered, that the present respondent shall pay the AMGR as per the agreement. The appellant is directed to raise fresh bill in respect of AMGR and the respondent is directed to pay that bill within due date. Thus the appeal is allowed on contest and the judgment of the Forum is set aside. The appeal is disposed of accordingly. Appeal allowed.