

(2010) 12 JH CK 0002

Jharkhand High Court

Case No: Writ Petition (C) No. 5762 of 2010

Sukh Sagar Metal Pvt. Ltd.

APPELLANT

Vs

Jharkhand State Electricity Board
and Others

RESPONDENT

Date of Decision: Dec. 22, 2010

Citation: (2011) 2 JCR 37

Hon'ble Judges: R.K. Merathia, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

R.K. Merathia, J.

Court Heard the parties at length on the following questions:

Whether this writ petition is maintainable; whether Sub-clause (VII) read with Sub-clause (X) of Clause 15.8 of Electric Supply Code (Amendment) Regulation, 2010 (in short "Regulation") is applicable or whether Sub-clause (VIII) is applicable; whether the Meter should be sent for testing; whether the testing laboratory can report about the alleged tampering or not; to which agency it should be sent; whether the consumption pattern of other industries can be compared with the Petitioner. Further, Mr. S. Srivastava objected to the affidavit of the Board which was denied and disputed by Mr. V.P. Singh.

2. In view of the questions involved, it is not possible to dispose of this case at the stage of admission.

3. This writ petition will be heard.

4. As the Respondents have appeared and filed their counter-affidavit, no notice need be issued.

5. Heard the parties on the interim order.

6. I am prima facie satisfied that before proceeding further, recourse to Sub-clause (x) of Clause 15.8 of the Regulation should be taken. Accordingly, the Respondent-Board is directed to continue with the supply of electricity to the Petitioner with a new meter and sent the seized meter to National Physical Laboratory, New Delhi (from where the meter in question was calibrated), within a week from today.

7. The said testing laboratory will test the meter on all aspects, including about the allegation of tampering, in presence of the parties and will send its test report in writing along with the photographs/video-graphs to the Authorized Officer who shall proceed in accordance which law.

8. It is expected that the said testing laboratory will do the needful as early as possible and the parties will also cooperative in the process.

9. The parties will be at liberty to move for fixing a date for final hearing.