

MECON Limited Vs Bihar State Electricity Board and Others

Court: Jharkhand High Court

Date of Decision: May 1, 2002

Hon'ble Judges: S.J. Mukhopadhyaya, J

Bench: Single Bench

Advocate: Biren Poddar, for the Appellant; V.P. Singh, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

S.J. Mukhopadhyaya, J.

The writ petition has been preferred by Mecon Ltd. against circular dated 11th July, 2000 and 16th August, 2000

issued by the then Bihar State Electricity Board whereby the Board revised the rates of fuel surcharge for the period 1996-97 to 1999-2000

stated to have been issued in compliance of direction of Patna High Court in the case of Pulak Enterprises Vs. The Bihar State Electricity Board

and Others, . By the aforesaid circulars the Board while recalculated the fuel surcharge for the period aforesaid by separate bills directed the

petitioner to pay supplementary bills for fuel surcharge as per the circulars.

2. According to petitioner the circular dated 11th July, 2000 and 16th August. 2000 have not been issued as per decision of Patna High Court in

the case of M/s. Pullak Enterprises (supra).

3. The circulars dated 11th July, 2000 and 16th August, 2000 fixing fuel surcharge for different financial years have already been challenged before

this Court in CWJC No. 2757/2000. 2758/2000 and other analogous cases which are pending hearing before this Court.

4. In the facts and circumstances as suggested by the parties instead of keeping this case pending, the following order is passed for the present.

5. If the petitioner has deposited fuel surcharge amount as per interim order dated 29th September, 2000 passed in the present case the

respondents will not take any coercive step against petitioner till final decision is taken in CWJC No. 2757/2000 and CWJC No. 2758/2000.

However, the interim arrangement shall not be applicable in respect to other dues/arrears, if any, including current bill. The petitioner will also be

governed by the decision as may be rendered by this Court in CWJC No. 2757/2000 and analogous cases, subject to its right and objection.

6. The writ petition stands disposed of with aforesaid observation and liberty.