

(2010) 11 JH CK 0032

Jharkhand High Court

Case No: Writ Petition (C) No. 3008 of 2010

Smt. Poonam Singh, Santosh
Kumar Singh and Sandhya Singh

APPELLANT

Vs

The Jharkhand State Electricity
Board, Tata Steel Ltd.
Jamshedpur, Jamshedpur Utility
Services Ltd. (JUSCO) and Adarsh
Sahkari Grih Nirman Swablambi
Samiti Ltd.

RESPONDENT

Date of Decision: Nov. 25, 2010

Acts Referred:

- Bihar Self Supporting Co-operative Societies Act, 1996 - Section 50
- Electricity Act, 2003 - Section 56

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

Bench: Single Bench

Final Decision: Dismissed

Judgement

R.K. Merathia, J.

The grievances of the Petitioners is against Respondent no. 4 - Adarsh Sahkari Grih Nirman Swablambi Samiti Ltd., Jamshedpur that it cannot disconnect the electricity and water supply of the Petitioners. But it is submitted by Mr. Sachin Kumar that in terms of Section 56 of the Electricity Act, 2003, JUSCO is to ensure that Respondent No. 4 does not disconnect the electricity and water supply except for any dues. He further submitted that the jurisdiction of the Civil Court is barred u/s 50 of the Self Supporting Cooperative Societies Act.

2. Mr. M. S. Mittal, learned senior counsel for JUSCO pointed out that Petitioners moved other authorities, but they did not interfere with the matter saying that the dispute is between the Petitioners and the Society.

3. In my opinion, this writ petition is wholly misconceived as the main grievances of the Petitioners are against the Secretary-Adarsh Sahkari Grih Nirman Swablambi Samiti Ltd., Jamshedpur Respondent No. 4. Admittedly, Petitioners are members and are residing in the premises, allotted to them by the Society, and there is dispute between them regarding construction charges, etc. The Society gets electricity from JUSCO and the members get electricity from the Society. If the Society has disconnected electricity and water supply, it cannot be said that u/s 56 of the Electricity Act 2003, JUSCO has to ensure electricity and water supply to the Petitioners. Nothing has been shown under which JUSCO is obliged to do so.

4. So far as bar of jurisdiction of Civil Court is concerned, in my opinion for the nature of disputes involved, Civil Court jurisdiction is not barred.

5. In the result, this writ petition is dismissed.