
Archana Devi Vs Jharkhand State Electricity Board and Others

Writ Petition (C) No. 4033 of 2008

Court: Jharkhand High Court

Date of Decision: Nov. 27, 2008

Citation: (2009) 57 BLJR 669 : (2009) 1 JCR 410

Hon'ble Judges: R.R. Prasad, J

Bench: Single Bench

Advocate: P.P.N. Roy, for the Appellant; J. Dubey, for the Respondent

Judgement

R.R. Prasad, J.

Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the J.S.E.B.

2. Learned Counsel appearing for the petitioner submits that Pradeep Prasad Choudhary-father-in-law of this petitioner, had electric connection in

his house bearing No. HI-265, situated at Harmu Housing Colony, Ranchi, but electric connection was disconnected as the father-in-law of this

petitioner, was allegedly found consuming electric energy stealthily for which a criminal case was lodged wherein loss was assessed as Rs.

1,56,400/- tentatively.

3. However, when the father-in-law of this petitioner, preferred anticipatory bail application before this Court, it was told to this Court that the loss

assessed by the informant, which has been mentioned in the first information report, is without any basis and if the amount of loss is calculated in

terms of the provision, the tentative amount would come to Rs. 1,24,000/- though that assessment was confined only with respect to anticipatory

bail application in which father-in-law of this petitioner was granted anticipatory bail, on deposit of the half of the amount of Rs. 1,24,000/- i.e.

62,000/- which the father-in-law of the petitioner has already deposited before the Electricity Board.

4. Subsequently, when this petitioner being the daughter-in-law, applied new electric connection, it was refused on the ground that there has been

dues of Rs. 1,56,400/- and as such no new electric connection would be provided in the same premises until and unless Rs. 1,56,400/- is paid to

the Electricity Board. But the petitioner or her father-in-law would be ready to deposit rest of the amount i.e. Rs. 94,400/- in three installments and

in that event, the Electricity Board be directed to restore the old connection.

5. However, learned Counsel appearing for the Jharkhand State Electricity Board submits that the amount of loss given in the first information

report as 1,56,400/- was tentative rather on final calculation, the amount of loss has been assessed as Rs. 2,03,377/- and hence, until and unless

the said amount is deposited, the petitioner or her father-in-law would not be entitled to have electric connection restored.

6. Upon it, learned Counsel appearing for petitioner submits that such demand of Rs. 2,03,377/- had never been made in the impugned order,

which has been annexed as Annexure-3 to this writ petition rather under Annexure-3 only a sum of Rs. 1,56,400/- has been shown, as due to the

Electricity Board and now the respondent-Board cannot go beyond that in view of the decision reported in a case of Mohinder Singh Gill and

Another Vs. The Chief Election Commissioner, New Delhi and Others, .

7. Having heard learned Counsel for the parties, it does appear that the Electricity Board, under Annexure-3, has categorically stated that no new

connection would be given to the same premises over which an amount of Rs. 1,56,400/- is due and in that event if the petitioner or her father-in-

law deposits such amount, then the petitioner would be entitled to have new connection or alternatively father-in-law of the petitioner would be

entitled to have electric connection restored. It is stated that in terms of the order passed in connection with anticipatory bail application of Pradeep

Prasad Choudhary-father-in-law of this petitioner, is said to have deposited a sum of Rs. 62,000/-with the Electricity Board and, therefore, only

Rs. 94,400/- seems to be due to the Electricity Board.

8. In that view of the matter, if the petitioner or her-father-in-law deposits Rs. 31,460/- before the Jharkhand Electricity Board within a fortnight,

the Electricity Board would restore the old connection within three days. So far payment of the rest of the amount of Rs. 62940/- is concerned, the

same should be paid in two installments in next six months, but if the petitioner or her father- in-law fails to deposit the said amount, the Electricity

Board would be entitled to disconnect the electric connection.

9. This is, however, made clear that this order never precludes the Electricity Board to realize the amounts, in accordance with law, which have

been finally assessed u/s 126 of the Electricity Act.

10. With this observation and direction, the writ petition is disposed of.