

(2001) 09 JH CK 0018
Jharkhand High Court
Case No: CWJC No. 114 of 2001

Bihar Air Products

APPELLANT

Vs

B.S.E.B. and Others

RESPONDENT

Date of Decision: Sept. 18, 2001

Acts Referred:

- Electricity (Supply) Act, 1948 - Section 26(6)
- Electricity Act, 1910 - Section 26(6)

Hon'ble Judges: M.Y. Eqbal, J

Bench: Single Bench

Advocate: N.K. Bajla, for the Appellant; V.P. Singh, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

M.Y. Eqbal, J.

Heard the counsel for the parties.

In view of the order dated 10.1.2001 passed by this Court the petitioner confines this writ application only with regard to correctness of the bills for the period January, 1998 to March, 1999.

2. It appears that the meter installed in the premises of the petitioner became defective in August, 1996. A new meter was installed in January, 1998 and the Board started raising bills on the basis of the meter reading of the replaced meter. The said new meter, installed in January, 1998 also became defective. The petitioner immediately deposited the testing fee in February, 1998 but instead of getting the said meter tested, the Board continuously raised bills. It is stated by the petitioner that in April, 1999 again a new meter was installed and since then, on the basis of the meter reading, the petitioner has been making payments.

3. This dispute, therefore, is with regard to correctness of bills for the period January, 1998 to March, 1999. Intimation with regard to defective meter was duly

given by the petitioner to the Board in February, 1998 and requisite testing fee was also deposited. Admittedly, neither parties invoked the provisions of Section 26(6) of the Indian Electricity Act, 1910. Annexure 4 is the first bill which was raised after the new meter was installed in January, 1998. From perusal of the said bill prima facie, it appears that period for which the bill was raised, has not been correctly mentioned in the said bill.

4. Annexures 5 series are the bills for the months of March, 1998 and April, 1998 which admittedly have been raised showing the meter as defective. There is no material to show that after April, 1998 either the meter was tested or a new meter was installed till March, 1999.

5. In that view of the matter I am of the opinion that the bills raised by the Board for the period. January, 1998 to March, 1999 needs reconsideration by the Board. Since, Section 26(6) of the aforesaid Act has not been invoked by either of the parties and the petitioner has been disputing the correctness of the bills on various grounds/reasons, it will be proper that the matter should be looked into by the General Manager-cum-Chief Engineer, Jamshedpur Area Board. This writ application is, therefore, disposed of with direction to the petitioner to file a detailed representation before respondent No. 4, the Chief Engineer-cum-General Manager making all his grievances and taking all the points with regard to correctness of the bills for the months. January, 1998 to March, 1999. On receipt of the said representation the General Manager-cum-Chief Engineer shall consider the same after giving reasonable opportunity of hearing to the petitioner and pass a reasoned order within three months from the date of filing of the representation. Needless to say that while deciding the representation the General Manager shall take into consideration the average consumption when the meter was correctly working (sic) pay any excess amount other than on the basis of actual demand then the amount already paid by the petitioner shall be adjusted against its future bill.

6. Writ disposed of with directions.