

(2003) 01 JH CK 0059**Jharkhand High Court****Case No:** CWJC No. 3775 of 2000

Indian Iron and Steel Company
Ltd.

APPELLANT**Vs**

Bihar State Electricity Board and
Others

RESPONDENT**Date of Decision:** Jan. 24, 2003**Acts Referred:**

- Constitution of India, 1950 - Article 226

Citation: (2004) 2 BC 7 : (2003) 4 JCR 455**Hon'ble Judges:** M.Y. Eqbal, J**Bench:** Single Bench**Advocate:** Binod Poddar and D. Poddar, for the Appellant; Rajesh Kumar, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

M.Y. Eqbal, J.

Pursuant to order dated 21.1.2003, the Zonal Manager, Bank of India, Dhanbad Zone appeared in person and filed counter-affidavit.

2. The writ petition was filed by the petitioner challenging the action of respondent-electricity Board in demanding total sum of Rs. 5,41,394/- which was paid by the Board to the Bank by way of collection charges against the cheques deposited by the petitioner towards payment of electricity bills. The respondent-Board when called upon to file counter affidavit justifying the demand of aforesaid some by way of collection charges for the reason that the said amount has been deducted by the Bank by way of collection charges. In support of that the Board has filed the photocopy of the books of account. This Court taken it as a matter of surprise, as to how the Bank will charge such exorbitant amount by way of collection charges and therefore, the Bank was impleaded as party respondent. When counter

affidavit could not be filed by the Bank, this Court directed the Zonal Manager of Dhanbad Zone to appear in person. This is how the Zonal Manager appeared and filed counter affidavit today.

3. It is admitted in the counter affidavit that the Branch has wrongly charged collection charges to the extent of Rs. 57,567/- and therefore the same shall be refunded to the Electricity Board. In the affidavit, it is stated that, it is sorry state of affairs that such type of mistake has been committed by the Branch and appropriate steps shall be taken against the concerned officer.

4. From the affidavit filed by the Zonal Manager, it is clear that the concerned Branch of the Bank of India, may be other branches might have been doing this sort of mistake which is either intentional or may be because of gross negligence. The matter therefore, needs full-fledged inquiry. Before issuing direction for full-fledged inquiry by the outside agency, I direct the Zonal Manager to file a detailed counter affidavit on 3rd March, 2003. In the counter affidavit the names of those officers who have done this mischief shall be disclosed and also the action taken against them shall be brought to the notice of this Court.

5. Put up this case on 3rd March, 2003. Ordered accordingly.