

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 02 of 2011

Jharkhand State Electricity Board,  
through its Chairman & Ors. ... Appellants  
Vrs.  
M/s. Sukh Sagar Metal Pvt. & Anr. ... Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE P.P. BHATT

For the Appellants: Mr. V.P.Singh, Sr. Advocate  
For the Respondents : Mr. M.S. Mittal, Sr. Advocate

Order No.13  
LA. No. 690/2011

Dated: 6<sup>th</sup> of July, 2011.

Heard learned counsel for the parties on Interlocutory Application No. 690 of 2011 submitted by the respondent whereby it has been prayed that the order passed by this Court dated 06.01.2011 may be modified to the extent that respondent should not insist for furnishing of the bank guarantee as this Court while disposing of the L.P.A. vide order dated 06.01.2011 directed the respondent to submit the solvent security to the Board and according to the learned counsel for the respondent, to comply with the order dated 06.01.2011 the respondent submitted the solvent security by filing the requisite documents regarding his property.

Learned counsel for the Board submitted that the respondent after taking benefit of order dated 06.01.2011 and obtaining reconnection of the electricity, did not submit the solvent security as he submitted only photo copies of documents of his property which do not constitute solvent security and in view of the default committed by the respondent of not furnishing the solvent security, now order may be passed to furnish the bank guarantee by the respondent.

We considered the submissions of the learned counsel for the parties and to know about the subsequent development about the testing of the meter, we directed the Board to produce the reports of meter testing upon which learned counsel for the Board has provided us the original reports in sealed cover which we have perused.

However, these reports may be placed before the learned Single Judge where the writ petition is pending for consideration and the learned counsel for the respondent submitted that the appellant Board has to pay the cost of meter testing amounting to Rs.90,556/-, therefore, it may be ordered that the said amount shall be payable to the respondent. For that purpose also the prayer

can be made before the learned Single Judge who may decide the prayer after hearing the respondent-writ petitioner.

Presently the controversy is with respect to the appellant Board's contention that the respondent has not submitted the solvent security.

Learned counsel for the respondent submitted that now the documents of the property of the respondent have already been verified. It is also submitted that solvent security does not necessarily mean bank guarantee and bank guarantee normally has different connotation and on 06.01.2011 the Court has not passed the order to furnish the bank guarantee.

We are in agreement with the contention of the learned counsel for the respondent and we do not find any reason to modify the order dated 06.01.2011 to confine it to furnish the bank guarantee in place of solvent security. Since the photo copy of the documents of the property have already been submitted by the respondent to the Electricity Board and according to the learned counsel for the respondent the said property is not encumbered property, therefore, it is made clear that now they shall not be create any charge over the said property till the decision of the writ petition.

The original report has been returned to the learned counsel for the Board.

I.A. No. 690 of 2011 stands disposed of.

sd/- Prakash Tatia, A.C.J

sd/- P.P. Bhatt, J.

Certified to be true Copy

Dr. Bhatt -  
12/7/11

Copying Officer

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Authorized U.S. 78 Act of 1872

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