

IN THE HIGH COURT OF JHARKHAND AT RANCHI.
W.P. (C) No. 47 of 2007

M/s. Lord Balajee Manufacturing Steel Co. Pvt. Ltd., Jamshedpur, Dist. Singhbhum East
... .. Petitioner

Versus-

1. Jharkhand State Electricity Board, Ranchi.
2. General Manager-cum-Chief Engineer, Jamshedpur Area Electricity Board, J.S.E.B., Jamshedpur.
3. Electrical Superintending Engineer, Electric Supply Circle, J.S.E.B., Chaibasa.
4. Electrical Executive Engineer (Commerce & Revenue), Chaibasa Electric Supply Circle, J.S.E.B., Chaibasa.
5. Jharkhand State Electricity Regulatory Commission through its Secretary, Ranchi.
... Respondents.

J.S.E.B.
Dy No 3
Dated 23/

CORAM: - HON'BLE MR. JUSTICE D.G.R. PATNAIK.

For the Petitioner : - M/s. M. S. Mittal, S. K. Deo
& Varsha Remisaria, Advocates.
For the Respondent-J.S.E.B. : - Mr. Rajesh Shankar, Advocate.

7/27.11.2009

...
Heard the learned counsel for the parties.

2. The main controversy raised by the petitioner, in this writ application, is to the refusal of the Respondent-Board to grant the petitioner the Load Factor Rebate to which the petitioner claims to be entitled even according to the tariff, which was issued in December, 2003 and made effective from 01.01.2004.

3. Mr. Mittal, learned counsel for the petitioner explains that the petitioner is an H.T. Consumer and according to the Tariff applicable in the petitioner's case, he was entitled to receive Voltage Rebate as well as Load Factor Rebate.

4. The grievance of the petitioner is that the Respondents have though conceded to grant the Voltage rebate but had refused to grant the Load Factor Rebate on the alleged ground that the petitioner was in arrears of payment of the dues. Learned counsel explains that as a matter of fact, the Respondents had raised a supplementary bill, which was disputed by the petitioner. Since the dispute was not resolved at the level of the concerned authorities of the Respondents, the petitioner had filed a writ application before this Court, challenging the supplementary bills. The writ application was disposed of by this Court vide W.P. (C) No. 2485 of 2006. Being aggrieved, the petitioner had challenged the final order, passed by the Single Judge of this Court in the aforesaid writ application. The matter was agitated before the Division Bench of this Court and while disposing of the L.P.A., the Division Bench of this Court had directed the G.M.-cum-Chief Engineer, Jamshedpur Area Electricity Board to pass final order of assessment in respect to the dispute raised by the petitioner, by giving early hearing of the matter.

Learned counsel explains that earlier, when the petitioner had filed the writ application before this Court vide W.P. (C) No. 2485 of 2006, pursuant to an interim Direction of this Court, the petitioner had deposited Rupees Ten lakhs with the Respondents which was to be set off against the liability of the petitioner and upon such deposit, the electric connection which was earlier disconnected, was restored. Learned counsel adds further that since the amount of the disputed supplementary bill remained unpaid on account of the dispute and the payment of the remaining amount, to the



petitioner's understanding, was subject to the final resolution of the dispute and, therefore, it cannot be deemed that the amount remaining unpaid, is amount remaining in arrears and thereby disentitling the petitioner from the Rebate to which it would have otherwise been entitled under the Tariff.

5. Learned counsel for the Respondent-Board, on the other hand would want to clarify that the bill as referred to by the petitioner, is in fact, not a supplementary bill. Rather, it was a bill based on an assessment, pursuant to a detection of theft of electric energy. The petitioner had disputed the amount of bill and had filed the writ application vide W.P. (C) No. 2485 of 2006. The writ application was disposed of with a direction to the petitioner to prefer the statutory alternative remedy of appeal. Against the order of the Single Bench of this Court, the petitioner had preferred the Appeal. The Division Bench while disposing of the L.P.A., had directed the G.M.-cum-Chief Engineer, to consider the dispute raised by the petitioner in respect of the aforementioned assessment and pass a final order of assessment. Learned counsel contends that the petitioner therefore, cannot argue that he has obtained any order of stay of payment of the remaining amount and that no arrears are pending against the petitioner.

6. From the rival submissions, as it appears, the supplementary bill was raised against the petitioner on the basis of an assessment made pursuant to detection of the alleged theft of electric energy. The bill so raised, has been disputed by the petitioner and this dispute is still subjudice. As it appears, the bill raised on the basis of the assessment for a sum of Rs.63,07,500/- is deemed to have been set aside by the Division Bench of this Court in the L.P.A. No. 199 of 2007. Admittedly, the petitioner has already deposited a sum of Rupees Ten Lakhs where after, the electric connection to his premises was restored. It is apparent therefore, that till a final assessment is made by the G.M.-cum-Chief Engineer to whom the matter was remitted by the order of the Division Bench in the L.P.A., it has to be deemed that after the date of passing of the order in the L.P.A., no arrears is pending against the petitioner.

7. In this view of the matter, the Respondents should reconsider as to whether the petitioner is entitled to the Load Factor Rebate as per the Tariff. The Respondents shall therefore, consider the petitioner's claim for grant of Load Factor Rebate in view of the fact that, after the date of order passed in the L.P.A., no amount of arrears is due against the petitioner. The Respondents shall, however be at liberty to take any appropriate decision on the basis of the final order passed by the G.M.-cum-Chief Engineer, Jamshedpur Area Electricity Board on the final assessment made by him. Such action shall be taken with effect from the date of the decision passed by the G.M.-cum-Chief Engineer, Jamshedpur Area Electricity Board.

8. With these observations, this writ application stands disposed of.

9. Let a copy of this order be given to the learned counsel for the Respondent-Board.

Sd/- D. G. R. Pattnaik, J.

Certified to be true Copy


17/7/10
Copying Officer

Designated under Rule 262 (II) of J.H.C. Rules
Authorised under Act of 1872