

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P. (C) No. 5455 of 2010

M/s Mona Gas Pvt. Ltd

Petitioner

Versus

Jharkhand State Electricity Board through  
its Chairman and others

Respondents

CORAM: The Hon'ble Mr. Justice R.K. Merathia

For the Petitioner: Mr. M.S. Mittal, Sr. Advocate & Mr. N.K. Pasari, Advocate  
For the Respondents: Mr. Rajesh Shankar & Mr. S. Srivastava, Advocate

2.15.12.2010 When the case was called out, Mr. Rajesh Shankar, learned counsel appearing for the Board, submitted that the impugned order is appealable order under section 127 of the Electricity Act, 2003. He further submitted that the Appellate Authority is an independent body appointed by the State Government and the petitioner can raise all the points available to it, before the Appellate Authority.

2. On this, Mr. Mittal, learned Sr. Counsel appearing for the petitioner, submitted that though there are good grounds for entertaining this writ petition by this court, but in view of such objection, petitioner will file appeal, but till the matter is decided by the Appellate Authority, petitioner's line may be restored. He further submitted that at best, the Assessing Officer could raise demand for four days i.e. from 3.7.2010 to 6.7.2010, but it has been raised for the entire year, which submission was denied by Mr. Shankar, appearing for the Board.

3. Be that as it may. Petitioner may file appeal before the Appellate Authority along with a petition for condoning the delay within two weeks from today and in that event, delay may be condoned keeping in view the pendency of this writ petition. Parties are directed to cooperate for early disposal of the appeal. The Appellate Authority will dispose of the appeal as early as possible and preferably within two months from the date of filing of the appeal.

4. If the petitioner deposits 25% of the amounts assessed within two weeks, line should be restored within 48 hours from such deposit and rest 25% will be paid within next two weeks, failing which, the Board may disconnect the line.

It is made clear that this court has not gone into the merits and this order will not prejudice the respective cases of the parties. The amount deposited shall be subject to the final decision of the Appellate Authority.

With these observations and directions, this writ petition is disposed of.

Sd. - R.K. Meena, J.

Certified to be a Copy

*Sh. Shyama*  
22/12/10

Designated under Rule of J.H.C. Rules  
Authorised Person 1972

The 1st Part 1932  
22/12/10

*Amit*  
22/12/10