

Court No. - 3

Case :- WRIT - C No. - 40809 of 2023

Petitioner :- Tulsi Mahaur

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Chandra Bir Singh, Ramesh Yadav

Counsel for Respondent :- C.S.C, Gaurav Tripathi

Hon'ble Siddhartha Varma, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioner and Sri Gaurav Tripathi, learned counsel for the Electricity Department.
2. The contention of the learned counsel for the petitioner is that the notice issued to the petitioner for having supplied of electricity to Sri Santosh Tulsi is illegal.
3. Sri Gaurav Tripathi, learned counsel for the electricity department relying upon Section 2(15) of the Electricity Act, 2003 states that a consumer could have consumed electricity for himself / herself only and relying upon Section 43 of the same Act, he submits that the electricity could be consumed in the premises of the occupier only. He also relies upon a judgment of the Hon'ble Supreme Court passed in the case of ***K.C. Ninan Vs. Kerala State Electricity Board & others***; reported in **2023 (8) Scale 564** and submits that the electricity if is supplied outside the premises for which the connection was given, then the occupier / consumer was liable for penalty.
4. Be that as it may, we are of the view that if the petitioner has replied to the impugned notice which was issued to the petitioner on 11.10.2022, the same may be considered in accordance with law within the next two months.
5. With these observations, the writ petition stands **disposed of**.

Order Date :- 7.12.2023

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