

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12025 of 1999

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Md.Azad son of Late Md. Zunus, R/o Mohalla Fasad Ke Maidan, P.S. Chowk
(Patna City), Jhauganj, district Patna.

.... Petitioner/s

Versus

The Bihar State Elec.Board &Or

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

Mr.Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-03-2015

On the last occasion, on prayer that the arguing counsel has gone outside Patna in connection with treatment of his son, one week time was granted with the stipulation that on the next date, no adjournment will be granted on any ground. To-day, no one is present on behalf of petitioner to assist this Court.

Counsel for the Electricity Board is present.

It appears that this Court vide order dated 14th December 2000 directed the petitioner to deposit the entire amount of bill subject to final adjudication of the preset case. As no one is appearing from the side of petitioner, This Court has no other option but to dispose of the matter on the basis of materials available on the record.

In this case, petitioner is challenging the electric bill which has been enhanced from 6.5 HP to 19 HP. It appears from the record that the petitioner is running a small industry using motor of 5 HP. On the basis of the agreement, petitioner was getting bill on the basis of aforesaid load and was depositing the bill regularly.

The authority of the Bihar State Electricity Board (for short,

‘Board’) inspected the premises of the petitioner on 24th June 1997 and it was found that the petitioner is consuming 5 H.P. and the capacity of the load of the welding set is 3 HP. The Officer of the Board again made an inspection on 17th September 1998 and found that the petitioner is consuming only 5 HP of the capacity of the welding machine of 3 HP. On 15th March 1999 again the authorities of the Board made an inspection and found the consumption 19 HP but no machine and instrument was tested scientifically.

Petitioner raised objection with regard to the inspection report and on receipt of the same, a Committee was constituted by the Board for inspection which submitted the report to the Board stating that the welding machine in the factory of only 3 HP. The factory was also inspected by the authorities of the Department of Electrical Engineers, Bihar College of Engineering as per direction of respondents and there it was also found that the welding machine was of 3 KVA. It was forwarded to the Director of Revenue, Bihar State Electricity Board for issuing a bill on the basis of inspection report as well as welding machine.

Claim has been made, the Board has raised the bill for 19 HP is illegal.

The Board has filed a counter affidavit justifying its action of raising the bill from 6.5 HP to 19 HP stating that the inspection was made on 4th March 1997 by the Electrical authorities of the Board jointly by A.E.E(S) Chowk and J.E.E. (Padri-Ki-Haweli) and it was found that one welding set was being run without name plate besides the lathe machine and drill machine having its capacity as 3.5 HP. Accordingly, a supplementary bill was served upon the petitioner on the basis of enhanced load of 19 HP. A further inspection was conducted on 15th March 1999 the situation remained same.

The Chief Engineer (Commercial and TA) examined the matter as would be apparent from his observations dated 12th October 1999 recorded by him, wherein he has come to the conclusion that the audit objection is valid.

The Deputy Director of Accounts has taken a decision that in light of observation and directions, after examination of the matter by the Commercial and Revenue Wings and as per the 1993 Board's Tariff Notification, the said welding set should be charged treating its load to be 15 BHP and directed to prepare the bill on that basis. Thereafter the matter was sent to audit inspection where also it was treated to be an instrument of 15 HP.

This Court does not find any merit in this petition. Accordingly, this petition is dismissed with liberty to the petitioner, if so advised, he may approach the appropriate forum or authority for redressal of his grievance and if such an application is filed, the authority will be obliged to pass a reasoned order.

With this observation, this petition is dismissed.

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(Shivaji Pandey, J)