

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 340 of 2013

1. Jagdev Narayan Agrawal S/o Late Shri Haricharan Ji Agrawal Aged About 51 Years R/o Shanti Photostate, Tatyapara Chowk, Raipur, PS Gole Bazar, Tahsil & Dist Raipur, CG.

---- Petitioner

Versus

1. Executive Engineer, Nagar Sambhag (West), Chhattisgarh Rajya Vidyut Vitran Company Ltd, Raipur, Dist Raipur, CG
2. Vidyut Upbhokta Shikayat Nivaran Forum Raipur, C-5, Vidyut Mandal, Parisar, Gudhiyari, Raipur, CG
3. Vidyut Lokpal, Raipur, Chhattisgarh Irrigation Colony, Shanti Nagar, Vidyut Niyamak Auyog Parisar, Raipur, CG

---- Respondent

For Petitioner	Shri H.B. Agrawal, Sr. Adv. with Ms. N.K. Kashyap, Advocate
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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/07/2016

1. In this petition under Article 227 of the Constitution of India the petitioner is seeking quashment of the order dated 27-12-2012 (Annexure – P/11) passed by the respondent No.2 and the order dated 7-2-2013 (Annexure – P/13) passed by the respondent No.3.
2. By the said orders, the Electricity Consumer Grievance Redressal Forum, Raipur ('the Forum' in short), has directed the respondent

Electricity Company to cancel the supplementary bill and adjust the amount already deposited by the petitioner against the said supplementary bill.

3. The contention of the petitioner is that the direction for installation of electronic meter is illegal and further that since the petitioner was made to make payment of the amount under the supplementary bill, which was subsequently adjusted, he is entitled for interest on the said amount as also action against the erring officer, who raised the supplementary bill and harassed the petitioner.
4. Bare perusal of the order passed by the Forum would demonstrate that during inspection the mechanical meter installed in the premises of the petitioner was found to have broken body seal and was recording reduced pulse rate, therefore, the same was seized and sent for testing. The Forum also concluded that the body seal having found broken, it was rightly sent for testing, however, once the meter was found to record correct reading raising of supplementary bill is not justified.
5. Payment of interest and award of penalty or any penal action may be directed against the erring officer where the action is found to be wholly unwarranted, in excess of jurisdiction or malicious. Having read the orders passed by the Forum, the action of the officers of the respondent electricity company is neither malicious nor in

excess of jurisdiction because once the body seal of mechanical meter was found broken, it was the duty of the officer to send it for lab testing so that it can be ascertained as to whether the meter was recording correct reading. Similarly, if the respondents have taken a policy decision to replace the mechanical meters with electronic meters, their action to replace the mechanical meter of the petitioner with electronic meter is neither arbitrary nor illegal, but the same is in furtherance of policy decision, which needs no interference of this Court under Article 227 of the Constitution of India.

6. In the result, the writ petition, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri

