

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1430 of 2017

- Vikas Tank S/o Dilip Bhai Tank, Aged About 37 Years Proprietor, M/s Shriram Wires, B. P. No. 1002108243, Near Laxmi Dharamkanta, Village- Gondawara, Raipur, District- Raipur Chhattisgarh.

---- Petitioner

Versus

1. Chhattisgarh State Power Distribution Company Limited Through- Its Managing Director, Behind Rajkumar College, Danganiya, Raipur, District- Raipur Chhattisgarh.
2. Chief Engineer, C S P D C I L, Gudiyaari, Raipur, District- Raipur Chhattisgarh.
3. Executive Engineer, C S P D C I L, North Division, Raipur Chhattisgarh.

---- Respondents

For Petitioner : Ms. Naushina Afrin Ali, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2017

1. Heard.
2. This petition has been filed by the petitioner assailing the correctness and validity of the order passed by the Executive Engineer on 04th May 2017 rejecting the petitioner's objection under clause 9.29 of the Chhattisgarh State Electricity Supply Code, 2011 (for short, '*the Code*').
3. Learned counsel for the petitioner submits that the respondents-authorities have carried out inspection and raised supplementary bill of huge amount Rs.26 Lacs, which is not in accordance with the provisions of the Code. Serious dispute has been raised with regard to correctness of the inspection carried out on 03/04/2017 and the report prepared thereon by submitting that this report is not properly drawn and the authority ought to have also verified from the electronic cheap installed in the meter but the report does not indicate that it was so tested.
4. The Code in clause 9.27 onwards provides hierarchy of remedy to the consumer, who is not satisfied with bill/supplementary bill. The first ladder of

remedy appears to have been exhausted by the petitioner when the petitioner submitted objection under clause 9.29. The objection has been rejected vide order dated 04/05/2017. Law provides further remedy under clause 9.30 by making statutory representation. However, this remedy is available subject to pre-deposit of 50% of demand. This presumably is the reason to file this petition without invoking the alternative remedy.

5. Where there is exists an efficacious and alternative remedy, normally this Court does not invoke writ jurisdiction under Article 226 of the Constitution of India. Judicially evolved principles are that interference may be warranted where the order is without jurisdiction, passed by any authority which has not competent under the law to decide, non-affording of an opportunity of hearing or where order is challenged on the allegations of vice of malice. Though, there is no bar to invoke writ jurisdiction in cases other than the three contingencies indicated herein above, this Court normally does not exercise writ jurisdiction except in case of extreme nature when there is an alternative remedy. Present is case where the billing has been made against the petitioner on the basis of certain report. The petitioner may have certain grounds to make representation under clause 9.30 of the Code, but that would require the petitioner to deposit 50% of the demand. In these circumstances and considering that the petitioner is not a person of ordinary means, but an industrial unit, I am not inclined to invoke writ jurisdiction but to leave the petitioner to workout the remedy in the manner provided under clause 9.30 of the Code raising all the grounds which have been raised before this Court and any other ground which may be raised under the law.
6. As the petitioner has remedy under the law, petitioner may pray the authority not to disconnect the electricity supply and to provide the petitioner time to file representation under clause 9.30 within the time stipulated under the law.
7. The petition accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge