

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.476 of 2009

1. Chhattisgarh State Electricity Board, Through-Executive Engineer (O&M), C.S.E.B. Janjgir-Champa, District Janjgir-Champa (CG)
2. Chhattisgarh State Electricity Board, Through-Junior Engineer, C.S.E.B. Janjgir-Champa, District Janjgir-Champa (CG)

---- Petitioners

Versus

1. Shri Dinesh Agrawal, Industrial Area, Korba Road, Champa, District Janjgir-Champa (CG)
2. Electricity Consumer Complaint Redressal Forum, Bilaspur, District Bilaspur (CG)

---- Respondents

For Petitioners	:	Mr.Sunil Otwani, Advocate
For Respondent No.1	:	Mr.Ashok Swarnkar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/1/2018

1. The Electricity Consumer Complaint Redressal Forum, has passed the order dated 29.3.2008 holding that amount is not recoverable from respondent No.1 being barred by Section 56(2) of the Electricity Act, 2003 (hereinafter called as "the Act of 2003"). Questioning the said order, this writ petition has been filed by the petitioners herein.
2. Learned counsel for the petitioners would submit that the impugned order is unsustainable and bad in law.
3. On the other hand, learned counsel for respondent No.1 would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
5. Section 56(2) of the Act of 2003 provides as under:-

"56(2). Notwithstanding anything contained in any

other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

- 6.** In order to attract Section 56(2) of the Act of 2003, sum due from any consumer should not be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied.
- 7.** In the instant case, sum recovery was sought to be issued on the basis of Audit Report and sum due is from May, 2003 to March, 2006 and notice has been issued on 21.6.2007, which is admittedly beyond the period of two years from the date when such sum became due.
- 8.** In view of that, learned Electricity Consumer Complaint Redressal Forum has justified in setting aside the impugned recovery notice issued against respondent No.1. I do not find any illegality in the impugned order.
- 9.** Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-