

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4109 of 2007**

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

---- Petitioners**Versus**

Rajendra Prasad Agrawal, S/o Rudhamal Agrawal, aged about 55 years, Proprietor Shalimar Tiles, Bamhanidih Road, P.S. Champa, District Janjgir-Champa (C.G.)

---- Respondent**WPC No. 4970 of 2007**

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

---- Petitioners**Versus**

Hanuman Prasad Agrawal, S/o. Shri Gopi Ram Agrawal, aged about 60 years, Proprietor L.G. Rice Mill, Sarangarh Road, Raigarh (C.G.)

---- Respondents

For Petitioners : Shri Sunil Otvani, Advocate.
 For Respondent : Shri Y.C. Sharma, Adv. in WPC No. 4109/2007
 For Respondent : Shri Pragallabh Sharma, Adv.in WPC No.4970/2007

Order On Board**27/02/2018**

(1) Since common question of law and fact is involved in both the writ petitions, they are being disposed of by this common order.

(2) Learned counsel for the petitioners would submit that Electricity Consumer Redressal Forum ought to have considered the objection raised

by the petitioners as the said Forum has no jurisdiction to deal with the cases in which offence under Section 135 of the Electricity Act and Sections 379 of the Indian Penal Code has been registered relying upon the circular dated 16.10.2005.

(3) Learned counsel for the respondents would submit that impugned order is strictly in accordance with law, however, liberty can be granted to the petitioners to raise such an objection by filing appropriate application before the appropriate forum.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(5) Be that as it may, the petitioners are at liberty to raise such an objection by filing application before the appropriate forum within a period of three weeks from today and, in turn, the said authority shall consider and decide the same strictly in accordance with law expeditiously preferably within a period of three weeks from the date of its receipt.

(6) With the aforesaid observations, the writ petition stands finally disposed of.

(7) It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned shall decide the petitioners' case in accordance with law on its own merits.

(8) For the period of six weeks, interim relief granted earlier shall remain in operative.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-