

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.42807 of 2015

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders of the 2nd respondent dated 11.12.2015 in order No.DEE/OP/Bns/Tech/F.B.B/Doc No.1/D.No.300/2015 as arbitrary, illegal and against the principles of natural justice and consequently set aside the same pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case and thus render justice.”

Heard Sri Deepak Misra, learned counsel appearing for the petitioner and Sri Zakir Ali Danish, learned Standing Counsel appearing for the respondents.

Petitioner is a stone crusher unit and has obtained electricity connection. Since the meter was faulty and the display was not proper, the respondents passed the impugned order on 11.12.2015 without considering the explanation submitted by the petitioner. Earlier, the respondents have passed orders on 13.10.2015. Challenging the same, the petitioner filed W.P.No.37455 of 2015 and this Court *vide* order dated 30.11.2015 directed the respondents to consider the petitioner's representation dated 13.11.2015 within a period of two weeks from the date of receipt of copy of the order and the respondents were further directed to restore service

connection to the petitioner subject to condition of payment of 1/3rd of the demanded amount within two weeks.

The grievance of the petitioner is that though this Court directed the respondents to consider the representation dated 13.11.2015 and pass appropriate orders, the respondents have not taken into consideration the same and mechanically passed the impugned order dated 11.12.2015 directing the petitioner to pay an amount of Rs.8,53,559/-.

While admitting the writ petition on 31.12.2015, this Court in WPMP No.55194 of 2015 granted interim suspension of the impugned order subject to the condition that the petitioner deposits a sum of Rs.2,50,000/- within six weeks.

Learned counsel appearing for the petitioner contended that the petitioner has paid around Rs.5,00,000/- as against the demanded amount of Rs.8,53,559/- and that the respondents be directed to re-consider the case of the petitioner by duly taking into consideration the representation dated 13.11.2015 afresh. It is further contended that the petitioner is willing to pay an amount of Rs.1,00,000/- within a period of four weeks.

Learned Standing Counsel appearing for the respondents contended that the respondents would consider the case of the petitioner afresh by duly taking into

consideration the representation submitted by the petitioner on 13.11.2015 and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of by setting aside the impugned order dated 11.12.2015 as it was passed without considering the explanation submitted by the petitioner on 13.11.2015. The respondents are directed to re-consider the case of the petitioner afresh by affording an opportunity subject to the condition of depositing Rs.1,00,000/- with the respondents within a period of four weeks from the date of receipt of a copy of this order. If the respondents pass any final order in favour of the petitioner, the amount deposited by the petitioner shall be adjusted towards future bills. If the respondents pass any adverse final order, the balance amount shall be paid by the petitioner in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 30.01.2020
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