IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1955 of 2008

M/s Sri KEDARNATH INDUSTRIES, a Partnership firm having its factory at Jealgera, Govindpur, Dhanbad, through one of its Partner, Shri Brij Mohan Agarwalla son of late Bhikhu Ram 44 Agrawal, residing at Gomti Apartment, PO & PS-Bankmore, town & District-Dhanbad (Jharkhand)
.....Petitioner

-Versus-

1. Jharkhand State Electricity Board having its HQ at Engineer's Bhawan, HEC, Durwa through its Chairman
2. General Manager-cum-Chief Engineer, Dhanbad Area Electricity Board, Dhanbad
3. Electrical Superintending Engineer, Electric Supply Circle, Dhanbad
4. Electrical Executive Engineer, Commercial & Revenue, Electric Supply Circle, Dhanbad
5. Assistant Electrical Engineer, Electric supply Circle Dhanbad
.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Salona Mittal, Advocate
: Mrs. Divya Choudhary, Advocate
: Mr. Arya Vardhan Singh, Advocate
For the Respondents :-Mr. Jayant Franklin Toppo, Advocate

14/ 15.09.2026: Heard Mr. Salona Mittal, learned counsel for the petitioner and Mr. Jayant Franklin Toppo, learned counsel for the respondents.

2. This writ petition has been filed under Article 226 of the Constitution of India for directing the respondents erstwhile Jharkhand State Electricity Board now JUBNL to immediately and forthwith restore the electrical connection of the petitioner, which has been disconnected on 2.4.2008 pursuant to an inspection held on 2.4.2008 in the petitioner's premises. Further prayer has been made for quashing the inspection report dated 2.4.2008 on the basis of which the electric line has been disconnected and the FIR has been lodged against the petitioner. Prayer is also made for a direction that if at all any punitive bill is to be raised, then, the same should not be raised without giving any opportunity of hearing to the petitioner in terms of Section 126 of the Electricity Act 2003.

3. Mr. Salona Mittal, learned counsel for the petitioner at the outset submits that so far prayer no.1 with regard to restoring the electricity connection is concerned, that prayer has already become infructuous as pursuant to the order dated 24.04.2008 the petitioner herein has already deposited a sum of Rs. 15 lakh with the Department and thereafter electricity connection of the petitioner has been restored. He submits that now two prayers are surviving in the present writ petition.

4. Learned counsel for the petitioner further submits that the petitioner set up a mini Cement plant which is a small scale unit. The total sale of the cement is about 21 lacs at the relevant time and the sale of coke processing and coal trading is about 9 lacs and for said period the petitioner has paid electricity charges to the tune of Rs. 18,90,427/-. He next submits that on 2.04.2008 a team of officers of the Board made an inspection in the premises of the petitioner and alleged that on inspection of the meter box, it was found that one hole was there at the bottom left side corner and opening of the meter box seal and meter box (inner door) one number extra wire was found shorting the 'B' phase main and load of control cable feeding to meter. He next submits that it was also alleged that 'R' phase of main load and control cable insulation was found cut at one place and that was done deliberately to pilferage the energy, causing revenue lose to the Board and on the same day power was disconnected. He further submits that it is impossible when the seal of the meter box and meter room were found intact it is not known as to how shorting can be done inside the meter when there is no allegation of breaking of any of the seals. He next submits that inspection report is annexed as Annexure-2 and seizure list is annexed as Annexure-3 to the writ petition. He submits that in the inspection report and

in seizure list there is no signature of the petitioner or his representative and no independent person has signed the same. He submits that F.I.R has been lodged thereafter under section 135 of Indian Electricity Act, 2006 and in the F.I.R it is also not alleged that petitioner or his representative has refused to sign the inspection report and the seizure list. He draws the attention of the Court to Jharkhand State Electricity Supply Code Regulation, 2005 and submits that in the light of Regulation 14.1 if any inspection is required to be done the information to the occupier is necessary and that procedure has not been followed. He next submits that in the light of regulation 13.4 testing of the meter is necessary which has not been followed. He submits that admittedly inspection was made in April, 2008 wherein the counter affidavit provisional assessment has been annexed that is dated 22.04.2008 and that too just first day before hearing of this writ petition. He also submits that the said bill is not in accordance with law and there is no reason and relying on the earlier tariff of 1993 said has been raised wherein the Government of Jharkhand adopted new tariff in the year, 2004. He next submits in this background there is procedure lapse and the case of the petitioner is fully covered in the light of judgment of the Hon'ble Supreme Court in the case of ***"Himadri Steel Pvt. Ltd. V. Jharkhand Urja vikas Nigam Limited & Others"*** reported in ***2026 SCC Online SC 1563*** and order of the this Court in the case of ***"Jharkhand Bijli Vitran Nigam Limited V. the Chief Engineer-cum-Chief Electrical Inspector, Ranchi and Others" (W.P.(C) No. 2261 of 2009*** by order dated 25.03.2026. He submits that which tariff will be applicable, that has been considered by this Court in the said case and in view of that in absence of any reason provided in the provisional assessment, is not in accordance with law. On these

grounds, he submits that this writ petition may kindly be allowed.

5. On the other hand, Mr. Jayant Franklin Toppo, learned counsel or the respondents-JUBNL submits that inspection was done and the petitioner's grievance with regard to the electricity connection has already been fulfilled pursuant to order of this Court after depositing a sum of Rs. 15 lakhs by the petitioner. He submits that the matter is arising out of section 135 of Indian Electricity Act which is criminal law provision and F.I.R has been registered and now N.B.W has been issued against the petitioner and the case is pending before the learned Court. He also submits that Jharkhand Electricity Supply Code is of the year, 2005 and the Act is of the year, 2003. He submits that there is no illegality in the procedure and in view of that this writ petition may kindly be dismissed.

6. In view of above submissions of the learned counsel for the parties and going through the Inspection Report and Seizure List, it transpires that there is no signature of petitioner or any representative of the petitioner in the Inspection Report and Seizure List. In the F.I.R it is not alleged that the petitioner or his representative has refused to sign the inspection report and seizure list wherein the procedure has been prescribed in Regulation 13.4, 14.4, 15.8 and these procedures have not been followed and in view of that prima facie the case of the petitioner appears to be covered in the light of ***Himadri Steel Pvt. Ltd(supra)*** relied by the learned counsel for the petitioner. This Court in the case of ***Jharkhand Bijli Vitran Nigam Limited (supra)*** has considered the applicability of the tariff that can be on the basis of 1993 tariff or the subsequent tariff will be of retrospective and it has been decided that Jharkhand tariff will not be made retrospective and further if on the basis of 1993 tariff of the State of

Bihar provisional assessment bill has been made that is required to be reconsidered by the JUBNL in the light of judgment of this Court in the case of ***Jharkhand Bijli Vitran Nigam Limited (supra).***

7. This matter is of the year, 2008 as such this writ petition is being disposed of directing the petitioner to appear along with all credentials and file fresh petition before the respondent no.2 within a period of three weeks. If such appearance along with petition is being made by the petitioner within the aforesaid period the respondent no.2 will provide an opportunity of hearing to the petitioner and will pass a fresh order in the light of above discussions made in this order within a period of six weeks further thereafter.

8. It goes without saying that if any liability is determined further in the light of above direction, the amount already deposited by the petitioner pursuant to order of this Court to the tune of Rs. 15 lakhs, shall be adjusted.

9. In view of above observation and direction, this writ petition is disposed of. Pending I.A, if any, stands disposed of.

Dt.15.09.2026 **(Sanjay Kumar Dwivedi, J.)**

Satyarthi/