

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 2309 of 2009

M/s G.R. Rice & Dal Mill... .. Petitioner

Versus

Union of India & Ors.... .. Respondents

CORAM: HON'BLE MR. JUSTICE SUSHIL HARKAULI

For the Petitioner: Mr. N.K. Pasari
For the Respondents: Mr. V.P. Singh, Sr. Adv.
Mr. Rajesh Shankar, S.C.I

7/02.9.2009

A chart found at para-18 of the rejoinder affidavit indicates that prior to the inspection dated 22.9.2008, the energy consumption of the petitioner for the month of May- 2008, June-2008, July-2008, August-2008 and September-2008 was as follows:

	<u>Month</u>	<u>Consumption recorded</u>
1.	May, 2008	8399 Units
2.	June, 2008	5164 Units
3.	July, 2008	8918 Units
4.	August, 2008	14916 Units
5.	September, 2008	8208 Units

After the inspection and before the date of detection of the pilferage of the energy, consumption of the energy is shown in the said chart as follows:

	<u>Month</u>	<u>Consumption recorded</u>
1.	October, 2008	5149 Units
2.	November, 2008	1370 Units
3.	December, 2008	2949 Units
4.	January, 2009	2591 Units
5.	February, 2009	5566 Units

This drastic drop in consumption, after the last inspection till the actual checking, has not been explained at all in the rejoinder affidavit. In view of this drop in energy consumption, which is unexplained and which ought to have been explained by the petitioner, when invoking the discretionary and equitable jurisdiction of this Court, I am not inclined to interfere on technicalities.

Challenge to the vires of Section 126/127(2) of the Electricity Act has already been given up by the learned counsel for the petitioner during the arguments.

An alternative remedy of appeal exists for the petitioner. Having regard to the availability of the alternative remedy, which is provided in the statute against the final assessment, and in view of the non-explanation of the circumstances mentioned above, I am

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not inclined to exercise my discretionary and equitable jurisdiction in this case and this writ petition is accordingly dismissed.

(Sushil Harkauli, J.)

Sudhir/FA