

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 376 of 2007.

Dilip Kumar Petitioner

Versus

Jharkhand State Electricity Board and others ... Respondents.

CORAM: HON'BLE MR. JUSTICE RAMESH KUMAR MERATHIA

For the Petitioner : Mr. M.S. Mittal and Mrs. Ritu
Kumar, Advocate.

For the Respondents No. 1 to 6: Mr. Rajesh Shankar, Advocate.

For the Respondent No. 8 : Mr. S. Srivastava, Advocate.

6. 20. 4. 2007.

Petitioner's grievance is that though he has got no concern or connection whatsoever with the previous occupier of the shop premises, the Jharkhand State Electricity Board (for short "the Board") is not granting electrical connection on the ground of dues against the erstwhile occupier of the shop premises.

2. During the pendency of the writ petition, by a notification dated 14th April, 2007, published in the Gazette dated 16th April, 2007 (Annexure A to the counter affidavit filed on behalf of the Jharkhand State Electricity Regulatory Commissioner, Ranchi), the position is clarified.

3. Amendment to Regulation 5.5, inter alia, provides that if the earlier occupier or consumer has got nexus in any manner with the subsequent occupier/consumer, the application for fresh connection may not be entertained unless the dues are paid in full. But if the old consumer who had committed default in payment of the dues has left the premises for good and the concerned premises has come in legal possession of a new occupant through transfer or purchase of the concerned property and where the new incumbent is not connected with the previous owner/occupant in any manner and applies for re-connection of the electrical line in the same disconnected premises, in that event the distribution licensee shall be obliged to order reconnection without realisation of the arrear dues of concerned premises from the new incumbent, as the purchaser of the premises would not be held liable to

meet the liability of the previous consumer in order to secure reconnection.

4. In the circumstances, the Electrical Executive Engineer, New Capital Division, Ranchi will enquire into the matter. If he finds that the petitioner had no nexus whatsoever with the previous occupier/consumer, he will grant new electrical connection to the petitioner as early as possible and not beyond the period of 30 days from the date of receipt/production of a copy of this order, if petitioner completes the formalities.

5. So far as realisation of dues against the erstwhile occupier/consumer is concerned, the Board has not said anything as to what steps they had taken. In paragraph 11 of the affidavit dated 19.4.2007 filed by the Board, only the names of Executive Engineer, Assistant Engineer and Junior Engineer who were posted in the concerned Division/Sub-Division during the period when the dues accumulated to Rs. 38,705/- are mentioned.

6. It is unfortunate that the officers of the Board are not taking due interest in realisation of the dues.

7. The General Manager-cum-Chief Engineer of the Area Electricity Board, Ranchi will see that proper steps are taken for realisation of the dues of Rs. 38,705/- against the erstwhile occupier/consumer and if the same is not realised, the same should be realised from the concerned officers of the Board responsible for such accumulation.

8. With these observations and directions, this writ petition is disposed of.

Sd/- R.K. Marathia, J.

Best copy

*D.N. Bhatt
26/4/07*

*Designation of A. Marathia, J. of 14.2.2007
The 6th-12th/1929,
26/04/07.*

*Ranchi
26/4/07*