

IN THE HIGH COURT OF JHARKHAND AT RANCHI.

W.P.(C) No. 5472 of 2010.

M/s Narsingh Ispat Limited, Howrah (W.B.)

Petitioner.

Versus

1. Jharkhand State Electricity Board, Ranchi
2. The General Manager cum Chief Engineer, JSEB Jamshedpur
3. The Electrical Superintending Engineer, JSEB, Chaibasa
4. The Electrical Executive Engineer, JSEB, Chandil.
5. Jharkhand State Electricity Regulatory Commission, Ranchi.

Respondents.

CORAM : THE HON'BLE MR. JUSTICE PRASHANT KUMAR

For the Petitioner : Mr. Nitin Pasari

For the Opp.Party : M/s Ajit Kumar, M.K.Sinha

03/20.02.2015. This writ application has been filed for the following reliefs :

(a) *For issuance of an appropriate writ or a writ in the nature of CERTIORARI for quashing the energy bill of the petitioner for the month of September, 2008 to the extent it relates to the KVA charges levied for the entire month, although the commencement of supply of electricity is dated 15.09.2008 and as such KVA charges should have been levied proportionately for the actual hours of supply and not for the entire month.*

(b) *For issuance of an appropriate writ or a writ in the nature of CERTIORARI for quashing the entire energy bills raised upon the petitioner from August 2009 to till date which has been wrongly raised on the basis of minimum 1000 KVA, as against the recorded KVA in the energy meter inasmuch as the provision of charging minimum 1000 KVA does not form part of the Tariff Schedule 2003-04 of the Jharkhand State Electricity Board and the Electricity Board can raise the energy bill towards KVA charges on the basis of actual KVA recorded in any given month subject to Minimum Monthly Guarantee Consumption as is postulated under the Tariff Order 2003-04, of the Jharkhand State Electricity Board.*

(c) For issuance of an appropriate writ or a writ in the nature of MANDAMUS commanding upon the respondents to refund/adjust (with interest @ 2% per month), the excess amount billed and realize from the petitioner on account of the 'Demand Charges' which the respondents have illegally realized from the petitioner on the basis of repealed Tariff of the Bihar State Electricity Board @ 100% of the Contract Demand, as the said provision is absent and not provided in the Tariff Order, 2003-04 notified by the Jharkhand State Electricity Regulatory Commission.

(d) For issuance of an appropriate writ (s), order(s) or direction(s) for a declaration that an issue which has already been settled having been upheld by the Electricity Ombudsman and subsequently by this Hon'ble Court in the matter of Kumardhubi Steels and as such it is not open for the respondents Electricity Board to raise energy bill on account of KVA charges on the basis of 100% of the contract demand, which is otherwise arbitrary and deliberate attempt of the officers of the Electricity Board to harass the petitioner by unnecessarily bringing about a litigation which is not at all required, because of the reasons stated herein above.

(e) For issuance of appropriate order for revision of the Energy Bills issued by the Respondents against the Petitioner's Electricity Connection for the period from August 2009 to till date, so far it relates to KVA charges, power factor charges, Load Factor and Voltage Rebate and to direct the Respondents to revise all the said charges based on the basis of actual recorded KVA as provided under the current provision of Tariff 2003-04.

(f) For issuance of any other appropriate order (s) as Your Lordships may deem fit and proper for doing conscionable justice to the petitioner."

Petitioner is not pressing the prayer contained in paragraph no. 1(a). So far other prayers are concerned, the same are squarely covered by the order of this Court delivered in **BIMALDEEP STEEL PVT. LTD Vs. Jharkhand State Electricity Board and others (W.P C Nos 3517 and 3881 of 2010)**.

The point of law raised in this case also set at rest by the Hon'ble Supreme Court in ***Jharkhand State Electricity Board and others.Vs. Laxmi Business and Cement Company Pvt. Ltd. and another*** reported in (2014)5 SCC-236.

It appears that JSEB raised bill on the basis of 100% contract demand as per the Tariff Order prescribed by BSEB in the year 1999. The said Tariff Order has no application with effect from 01.01.2004, as on that date new Tariff i.e. Tariff Order 2003-04 has come into force. In the aforesaid Tariff Order petitioner (an owner of induction furnace) has been categorized as HTSS consumer and for it a separate Tariff Schedule prescribed. According to the aforesaid tariff Schedule, bill for demand charge can be raised on the basis of actual KVA recorded. But from perusal of bill, which was issued on 07.10.2009, it appears that the same has been raised on the basis of 100% contract demand charge. Thus, the said bill cannot be sustained. Accordingly, the same is quashed.

It appears that petitioner has already paid the said bill and claimed refund. Under the said circumstance, JSEB is directed to raise fresh bill as per Tariff Order 2003-04, so far it relates to demand charge. The JSEB is further directed to make refund/ adjust the excess amount already paid by the petitioner.

Accordingly, this writ application is disposed of.

(Prashant Kumar, J.)