

**Gulzar Prasad Vs. Bihar State Electricity Board, Through Its Secretary and ors.**

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**Court :** Patna

**Decided On :** Jul-28-2005

**Judge :** Barin Ghosh, J.

**Appeal No. :** C.W.J.C. No. 2647 of 2003

**Appellant :** Gulzar Prasad

**Respondent :** Bihar State Electricity Board, Through Its Secretary and ors.

**Advocate for Def. :** Vinay Kirti Singh, Adv.

**Advocate for Pet/Ap. :** Balbhadra Singh and R.P. Singh, Adv.

**Judgement :**

**Barin Ghosh, J.**

1. Petitioner was receiving supply of electricity through a domestic meter. In August, 2000 he permitted supply of electricity obtained through that meter to be used for commercial purpose. This was detected by the Board and the Board claimed charges for supply of such electricity at commercial rate. The petitioner wanted the Board to apportion this consumption in between domestic consumption and commercial consumption. The Board refused to do so and claimed charges on

commercial rate. The petitioner refused to pay the same and accordingly the Board disconnected the supply of electricity. The Board is claiming for supply effected through that meter during the months of August, 2000 to October, 2002 at commercial rate. In the meantime the petitioner obtained a separate meter to obtain supply of electricity for commercial purpose and went on paying the bills as raised for consumption of electricity through that meter at commercial rate. Supply through that meter is still continuing.

2. In relation to claim of supply of electricity through domestic meter, part of which had been used for commercial purpose during the period between August, 2000 and October, 2002, the petitioner went before the Bijli Adalat. The Bijli Adalat directed to apportion such consumption half and half and to raise a revised bill. The direction of the Bijli Adalat is that whatever units have been consumed through that meter for the period between August, 2000 and October, 2002 shall be charged at the domestic rate for 50% of such consumption and at the rate chargeable for commercial consumption for the remaining 50%. This direction of the Bijli Adalat has not yet been implemented in full although a supplementary bill has been raised demanding payment of a sum of Rs. 26,996:81 taking into account payments made by the petitioner to the tune of Rs. 12,866/-.

3. I think in the manner I have understood the order of Bijli Adalat, a revised bill must be raised by the Board within the period of 7 days from today and upon the petitioner paying the amount of such bill, supply of electricity through that domestic meter shall be restored in favour of the petitioner and thereupon the petitioner shall be charged at the domestic rate for supply of electricity to be consumed by him through that meter unless again it is held by the Board that some part of such supply is being used by the petitioner for commercial purpose. It goes without saying that immediately but not later than 72 hours from making such payment along with reconnection charges, if any supply to the petitioner shall be forthwith restored.

4. In order to assist the Board in raising the bill I would give a simple example. Suppose the consumption for the period between August, 2000 to October, 2002 was 100 units, and suppose unit charge for domestic use is Rs. 5/- and for

commercial use is Rs. 10/- then 50% of 100 units namely, 50 units shall be multiplied by Rs. 5 to arrive at Rs. 25 and that would denote the charges leviable for domestic use and with that the charges for commercial use shall be added by multiplying the balance units consumed, namely 50 units multiplied by Rs. 10 to arrive at Rs. 50 and accordingly the net calculation would be Rs. 75. From that the payments already made shall be deducted in order to arrive at the actual figure of consumption in terms of the order of Bijli Adalat.

This disposes of the writ petition.

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