

Harsh Kumar Sahu, Vs. J.S.E.B. and ors.

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Court : Jharkhand

Decided On : Jan-20-2003

Reported in : [2003(2)]CR7(Jhr)]

Judge : S.J. Mukhopadhaya, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.(C) Nos. 7013 of 2002 and 10 and 65 of 2003

Appellant : Harsh Kumar Sahu, ;sunita Sinha and Boota Singh and ors.

Respondent : J.S.E.B. and ors.

Advocate for Def. : A.K. Mehta and; C. Prabha, Advs.

Advocate for Pet/Ap. : J.K. Pasari,; A.R. Choudhary and; Mahesh Kr. Sinha,

Judgement :

ORDER

S.J. Mukhopadhaya, J.

1. All the cases relate to grant of electrical connection in the respective premises of petitioners.
2. The petitioner, Harsh Kumar Sahu of W.P.(C) No. 7013/02 has challenged the letter No. 799 dated 4th October, 2002 whereby the respondents refused to give electrical connection to the petitioner on the ground of dues against the owner of the premises.
3. According to petitioner, Harsh Kumar Sahu, he purchased the land from one Smt. Poonam Devi by registered sale-deed dated 2nd August. 2002 and applied for electrical connection on 4th September, 2002. The vendor, Smt. Poonam Devi earlier purchased the land from Mahesh Kumar Sanwaria and the dues are against the name of erstwhile occupant, Mahesh Kumar Sanwaria.
4. In this case no counter affidavit has been filed on behalf of the respondents, nor the facts aforesaid disputed.
5. In the case of Sunita Devi, petitioner of W.P.(C) No. 10 of 2003, she has prayed for direction on the respondents to supply new electrical connection under Industrial Service for load of 15 H.P. Her grievance is that the respondents are not giving her fresh electrical connection on the ground of dues against the name of a neighbour, namely, Chhote Lal Shaw @ Chhote Lal Jaiswal.
6. The case of petitioner, Sunita Devi is that she has purchased plot No. 4084 (A&B;) wherein she wants electrical connection whereas Chhote Lal Shaw has a different plot No. 4084 (D). It is alleged that the Assistant Electrical Engineer, Electric Supply Division, Mango, Jamshedpur only on the ground that plot No. 4084 is

common, has asked for payment of electrical dues of Chhote Lal Shaw @ Chhote Lal Jaiswal.

7. In this case also, the respondents have not filed affidavit, nor disputed the aforesaid fact.

8. In the case of M/s. Boota Singh and Sons, petitioner of W.P.(C) No. 65 of 2003, prayer has been made for direction on the respondents to give it new electrical connection and meter, to petitioner-industry at Plot No. 1, Industrial Estate, Adityapur, Jamshedpur. The case of this petitioner is that in pursuance of auction purchase, it has purchased the land in question from Bihar State Financial Corporation vide Agreement dated 8th June, 2002 and it is not liable to pay any dues of erstwhile occupant, M/s. Sreeniwas Engineering.

9. In this case also, the respondents failed to file any counter affidavit inspite of time granted.

10. Now, it is a settled law that the subsequent occupant is not supposed to pay the dues of erstwhile occupant. One may refer the decision of the Supreme Court in Isha Marbles v. B.S.E.B., reported in (1995) 2 SCC 648.

11. So far as petitioner, Sunita Devi of W.P.(C) No. 10 of 2003 is concerned, if she is the owner of plot No. 4084 (A&B;) and there is no dues against the occupant of the said plot but against the occupant of Plot No. 4084 (D), the authorities cannot force the petitioner, Sunita Devi to pay the dues of occupant of plot No. 4084(D).

12. In the facts and circumstances, all the cases are remitted to the concerned authority/Assistant Electrical Engineer with direction to verify the matter, if one or other petitioner produces their relevant sale-deed/copy of lease or any other relevant evidence relating to their present occupancy and if there is no dues against their names, the respondents will grant the petitioners fresh electrical connection within 15 days from the date of receipt/ production of the evidence and requisite fees and forms.

13. The order contained in letter No. 799 dated 4th October, 2002 as enclosed in W.P.(C) No. 7013/02 is set aside.

14. All the writ petitions stand disposed of, with the aforesaid observations/directions.

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