

**HIGH COURT OF GUJARAT****JOSHI MANUBHAI BHOGILAL***Versus***GUJARAT ELECTRICITY BOARD****Date of Decision:** 22 October 2008**Citation:** 2008 LawSuit(Guj) 2096**Hon'ble Judges:** [Akil Kureshi](#)**Case Type:** Special Civil Application**Case No:** 3332 of 1997**Final Decision:** Petition dismissed**Advocates:** [A M Raval](#), [R C Jani](#)**Akil Kureshi, J.**

**[1]** The petitioner has challenged the communication dated 26.08.1996 from the respondent No.1-Gujarat Electricity Board. As per the say of the petitioner, the father of the petitioner had sold his flour mill to the respondent No.3 herein and it is the respondent No.3 who has utilized the electricity connection for running such flour mill. When the Electricity Company has raised the bill for outstanding unpaid dues for consumption of electricity amounting to Rs.8557/-, the petitioner contended that it was the respondent No.3 who had consumed the electricity and therefore, he was liable to pay the electricity charges. The stand of the Electricity Company as emerging from its communication dated 26.08.1996 which is produced at Annexure-F to the petition that Bhogilal Chhotalal was the person who was granted electricity connection but since he expired, the petitioner being heir of the deceased, it was the duty of the petitioner to pay the bill. The transaction of the sale of the flour mill between the father of the petitioner and the respondent No.3 was an internal affair.

**[2]** It is undisputed that the electricity connection was running in the name of Bhogilal Chhotalal i.e. father of the petitioner. Even if the said Bhogilal Chhotalal had sold his flour mill to the respondent No.3, he never requested the electricity company to transfer the electrical connection in the name of the respondent No.3 or disconnect the same. Electricity consumption charges was required to be paid by the consumer in whose name the electrical connection was granted and the petitioner as heir was liable

to pay the same. If the father of the petitioner and after his death, the petitioner had ceased to be consumer, it was their duty to have electrical connection discontinued.

**[3]** Under the circumstances, I find no illegality in the impugned communication. The petition is, therefore, dismissed.

Rule is discharged. Interim relief, if any, stands vacated.

