

HIGH COURT OF GUJARAT
GUJARAT ELECTRICITY BOARD
Versus
BRIGHT ENGINEERING

Date of Decision: 28 January 2008

Citation: 2008 LawSuit(Guj) 275

Hon'ble Judges: [D A Mehta](#)

Case Type: Special Civil Application

Case No: 9876 of 1999

Subject: Electricity

Acts Referred:

[Electricity Act, 1910](#) Sec 26(6)

Final Decision: Petition dismissed

Advocates: [R C Jani](#), [H S Munshaw](#), [D V Parikh](#), [Neeraj Soni](#)

[1] The petitioner, a statutory Board, has preferred this petition with the following prayers:

"8. The petitioner, therefore, prays that this Honourable Court may be pleased:

To admit this petition;

To issue a writ of certiorari and/or any other appropriate writ, order and/or direction in the nature of certiorari quashing and setting aside the impugned dated 20th October, 1999 passed by the respondent No.3 herein in an Appeal No.11/98 annexed at annexure 'F' to the petition as well as the impugned order dated 20th September, 1996 passed by the respondent No.2 herein in an Appeal preferred by the respondent No.1 herein annexed at annexure 'E' to the petition and further be pleased to allow this petition with costs in the interest of administration, public exchequer and justice;

[2] The petitioner-Board, after checking the working of the meter installed at the premises of respondent No.1 consumer, sent a revised bill on 03.02.1995. Respondent

No.1 approached the Chief Engineer of the petitioner-Board, who reduced the bill upto a period of only three years vide order dated 30.11.1995, against which respondent No.1 preferred statutory appeal. After accepting that there was defect in the running of the meter concerned respondent No.2, the Electrical Inspector, restricted the revised billing period upto a period of six months. Being aggrieved the petitioner preferred appeal under Section 36 of the Indian Electricity Act, 1910. The Appellate Authority vide order dated 20.10.1999 dismissed the appeal primarily on the ground that the appeal was barred by limitation. Against the said order the present petition has been preferred.

[3] Heard the learned advocate for the petitioner Shri R.C. Jani, appearing for the petitioner. It was submitted that once the authority had come to the conclusion that the meter was defective and the running was found to be slow there was no question of restricting the supplemental bill to the period of last six months and that to the said extent respondent No.2 authority having erred, the appeal preferred by the petitioner could not have been rejected.

[4] The order made by respondent No.2 is dated 20.09.1996 and the prescribed period of limitation for preferring appeal appears to be three months from the date of receipt of the order to be appealed against. The appellate authority has found, as a matter of fact, that the appeal has been preferred only on 21.05.1998 i.e. more than after one year and eight months. In the aforesaid circumstances it is apperant that the appeal was rightly rejected as being barred by limitation.

[5] In so far as the challenge to the order made by Electrical Inspector restricting the supplemental billing period to a period of last six months, suffice it to state that Section 26(6) of the Act specifically places an embargo as to the period by using phrase "not exceeding six months". Thus, respondent No.2 authority has made an order in consonance with the statutory provisions and no fault can be found on this count.

[6] In the aforesaid facts and circumstances of the case, the petition is devoid of merits and is accordingly rejected. RULE discharged. There shall be no order as to costs.

Sd/-