

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1455 of 2020

M/s. Pragati Chemicals (India), through its Proprietor,
namely, Shri Anup Lodha. Petitioner.

-Versus-

The State of Jharkhand & Ors. Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. M. S. Mittal, Sr. Advocate
For the State : Mr. Gaurav Abhishek, A.C. to A.G.
For Respondent nos.3 to 7:Mr. Navin Kumar, Sr. S.C.

Order No.03

Date: 24.06.2020

This case is taken up through video conferencing.

A counter affidavit has been filed on behalf of the respondent no.4- Jharkhand Bijli Vitran Nigam Limited, Ranchi wherein, while making reply to the merit of the writ petition, it has been stated that the monthly energy bills with effect from April, 2020 have been raised as per the tariff order dated 28th February, 2019 notified by the Jharkhand State Electricity Regulatory Commission (in short 'JSERC'). It has also been stated, *inter alia*, that as per the provision of Electricity Act, 2003, the respondent no.4 is bound to recover charges as determined by the JSERC. As such, the distribution licensee cannot levy or waive any kind of charge on its free will. Moreover, there is no provision of complete waiver of fixed charges as the same has not been provided in the said tariff order. Any deviation in recovery of the electricity charges would be against the provisions of the Electricity Act, 2003. It has further been stated that the respondent no.4 is aware of the hardship faced by the consumers in wake of COVID-19 and has also requested the Government of Jharkhand to provide relief to such consumers under Section 65 of the Electricity Act, 2003. The decision of the State Government is still awaited and the respondent no.4 will waive off the charges, if the State Government compensate it for the same.

Considering the said stand taken by the respondent no.4 in its counter affidavit, the response of the State Government appears to be necessary.

Mr. Gaurav Abhishek, learned A.C. to A.G. prays for and is allowed three weeks' time to seek instructions and file counter affidavit.

Put up this case under the appropriate heading on 21st July, 2020.

Sanjay/

(Rajesh Shankar, J.)