

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5187 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ENAR TRADERS PVT LTD

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR JD SHAH for Petitioner

MR MD PANDYA for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 26/05/2000

ORAL JUDGEMENT

1. Rule. Mr.M.D.Pandya, Ld.advocate for respondent
waives service of rule and with the consent of the
parties matter is taken up for hearing and finally

disposed of today.

2. Heard learned advocates for parties. Upon consent being arrived at between the parties making it clear that this will not be treated as precedent.

(i) The petitioner is relegated to the alternative remedy of appeal before the Appellate Committee of the respondent-Board.

(ii) The petitioner within 7 days hereof shall prefer the appeal and deposit 30% of the disputed bill as per instalments as set out hereunder and also pay reconnection charges and clear all other outstandings.

(iii) It will be open for the parties to raise all the available contentions in the appeal.

(iv) The petitioner shall continue to pay current consumption charges regularly and shall also pay the balance amount of the disputed bill as may be determined by the appellate committee within such time and by such instalment as may be determined by the Board. The petitioner shall continue to abide by other conditions of the supply.

(v) The petitioner shall not alienate in any manner its property except goods in ordinary course of business till all the outstandings of the Board are paid.

(vi) The amount of 30% of the disputed additional bill shall be paid in equal instalments as under.

The first instalment shall be paid along with the appeal within 7 days (seven days) hereof.

The second and third instalments shall be paid on or before 15th of July, 2000 and 15th of August, 2000 respectively.

It will be open for the appellate committee to decide whether to hear the appeal even before the 30% of additional bill is paid. If upon determination of any such amount of 30% is found returnable the same shall be returned to the petitioner.

7. Upon payment of first instalment, reconnection charges and other outstanding dues the respondent Board shall reconnect the electricity supply forthwith. This reconnection shall be subject to compliance with the conditions of this order and the decision of the

appellate committee. Noncompliance of any such conditions would entitle the Board to disconnect the reconnected power supply without further notice.

8. In view of the aforesaid directions, the petitioner does not seek any further relief and seeks permission to withdraw the petition. Permission granted.

9. Petition stands dismissed as withdrawn. The rule is discharged subject to aforesaid directions. No order as to costs.

DS permitted

26.5.2000 (K.M.MEHTA,J)