

Writ Petition / A
of the constitution
under

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Public Interest
Litigation (P.I.L.)
Division Bench

आदेश पत्रक

WP 1095/02

मामला क्रमांक

सन् 2002

Office Reference is State of Chhattisgarh
विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		<p>PR 1107/02</p> <p>Petition of WP Presented on 22.05.02 with by Shri Office Reference It be checked filed for</p>

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

1095/02

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
<u>29-5-2002</u>	<p>Dr. N.K. Shukla, Addl. Advocate General with Shri Sanjay K. Agrawal, Dy. Advocate General appear for the State.</p> <p>The Chief Engineer and the Superintendent Engineer of the Chhattisgarh State Electricity Board are also present. Copy is supplied to them by Deputy Advocate General.</p> <p>Heard.</p> <p><u>ORDER</u> (Oral)</p> <p>S/Shri N.K. Pandey, P. Diwakar and K.M. Ansari, appointed as Additional Judge and also addressed the Court with the permission of the Court.</p> <p>2. These references have been registered in view of the various reports published in various Hindi and English newspapers from Bilaspur and around regarding working and efficiency of Chhattisgarh Electricity</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

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	<p>Board. Non-supply of electricity has lead to serious and alarming situation. This Court directed registration in view of the alarming situation and for providing succor to sufferings of the public and cut offs and non-supply of the electricity. Copies have been supplied to Shri Sanjay K. Agrawal, Dy. A.G. and the Chief Engineer and the Superintending Engineer who were also present in connected matters.</p> <p>3. Newspapers have raised various serious and important questions for consideration for the Board as well as the State of C.G. The non-supply of electricity has disrupted everybody's life and it also affects the industries and also day-to-day work. There may be various reasons for this alarming situation and efforts have to be made by the relevant departments like the Electricity Board, Energy, Revenue and District Administration and they have to cooperate with each other otherwise required goal cannot be achieved.</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मापला क्रमांक ज. १. No. 1095/02 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>4. Counsel for the State submits that all possible steps shall be taken by the Secretary^{Energy}/as well as the Chairman of the Electricity Board.</p> <p>5. Shri N.K. Pandey, Advocate submits that in spite of an application being made, the Electric Meter has not been changed. Shri Pandey may supply a copy of the application to the authority, which shall be disposed of as early as possible preferably within a month.</p> <p>6. So far as Bilaspur city is concerned, learned counsel Shri Diwakar submits that the for payment of electricity bills, persons have to stand up for five or six hours in open places in this summer season. It is a serious matter. Bill Collecting Counters have been reduced. Some more counters have to be opened taking into consideration the suitable places. The Tuch Tell has devised the method of collecting the bills. Persons should not be allowed to stand in open places for payment of bills and proper</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

1025/02

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>arrangements should be made as early as possible preferably within 15 days. In this regard, the Board may, if so desire, take the services of Banks or Post Offices. Banker's cheque and drafts may be accepted. Timings may be suitably enhanced particularly in summer and rainy seasons.</p> <p>7. It is also pointed out by Shri Diwakar that for receiving complaints, only one telephone is installed and that also remains unattended. This problem has been highlighted by a newspaper also. Learned Addl. Advocate General has apprised the authorities and the Chief Engineer and the Superintending Engineer have also noted it. For lodging complains, proper arrangements should be there. The Board should have well equipped vehicles for removing the complaints. It is stated that only one such vehicle is there and that too is also out of order. Minimum three vehicles should be provided to meet the requirements. It is made clear that the Chairman would look into the matter.</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 1098/02

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>8. It is noted that in a village namely Belgahna, electricity supply was not there for about four days and officers of the Board did not reach there for four days. So far as complaints regarding authorities are concerned, they may be lodged in police stations or police chauki concerned. On such complaints being lodged in the police station, the S.H.O. or in-charge officer shall forward the same to the nearest office of Asstt. Engineer or Executive Engineer. The Chief Engineer shall notify the telephone numbers and for villages also, proper arrangements should be made.</p> <p>9. It is submitted by the Board that the great problem is that the people has a notion that the C.G. is a surplus State but it is a new State and some difficulties are their which are being faced by the Board. Some of the difficulties have arisen because of bifurcation of the erstwhile Board. Shri Sanjay K. Agrawal, learned Dy. A.G. submitted that both the Government</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>of State of Chhattisgarh and the Board are trying to resolve the problems as early as they can. However public has to be informed and transparency should be there. If some difficulties are there which can be shared with the public, the relevant information should be given to the public and the public should also be enlighten through print and electronic media. The Chairman of the Board in consultation with the State Government may device such ways and means to redress the grievance of the public, which are possible. The Chhattisgarh Electricity Board, may be a new Board, but its officers are experienced. They have to work with new enthusiasm and to establish their own identity.</p> <p>10. So far as theft of the electricity is concerned, it is noted that much of the electricity is being lost and waisted. In this regard proper action has to be taken and F.I.R. should be lodged regarding theft under the Electricity or the Penal laws.</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मापला क्रमांक 1095/02 सन् 200

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आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>11. It is pertinent to mention that the Apex Court in the case of <u>Suresh Chandra Sharma -V- Chairman, UPSEB</u> reported in AIR 1998 SC 705 directed for appointment of a High Powered Committee to enquire into the matter.</p> <p>12. A Division Bench of the High Court of M.P. in the case of <u>Girish Sharma -v- State of M.P. and others</u> reported in 2001(I) MPJR SN 30 has also dealt with the matter regarding pilferage, non-supply of electricity, cut off and in view of the public sufferings, issued certain guidelines. The State of Chhattisgarh and the Board to consider all that and take appropriate steps. The State may appoint a committee at the State level and so also at the district and tehsil levels for redressal of the grievances and prompt action has to be taken. All out effort has to be made regarding supply and distribution. The State would make proper arrangement of energy auditing and, in</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मायला क्रमांक W.P. No. 1095/02 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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	<p>particular, proper systems of auditing and metering electricity which is generated and supplied throughout the Sate.</p> <p>13. There is another more important aspect of the matter i.e. cooperation of the general public and duties of the public at large. Learned counsel appearing also addressed on this point and it is appropriate to deal with this aspect also.</p> <p>14. It is submitted by the state that the people are adopting agitational approach against the Board and in some places they have damaged the properties of the Board, which is also a public property. It creates more harm.</p> <p>15. So far as violence against the Board employees and its properties is concerned, people should not be allowed to damage the public properties and the employees of the Board should also be protected. The people are equally responsible and it is the duty of</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक 1095/02 सन् 200

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	<p>every citizen of India to safeguard public property and to abjure violence as enshrined in Article 51A-(i) of the Constitution of India.</p> <p>When the newspapers are highlighting their problems and taking up their causes and most of them in right perspective, there is no occasion for any agitational approach. Those who destroy the public property and create law and order situations regarding supply distribution, they be dealt with strictly in accordance with law, whosoever they may be.</p> <p>16. The Hon'ble Apex Court while dealing with duties of the people in the case of <u>Chandra Bhuvan Boarding v. State of Mysore</u> reported in AIR 1970 SC 2042 observed that :-</p> <p><i>"It is a fallacy to think that under our Constitution there are only rights and no duties. The provisions in Part IV enable the Legislatures to impose various duties on the citizens. The mandate of our Constitution is to build a welfare society and that object may be achieved to the extent the Directive Principles are implemented by the legislation."</i></p> <p>17. These references, which have been registered, are</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 1095/02
सन् 200

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	<p>disposed of with the above directions and observations and with a further direction that the Secretary, Energy and the Chairman of the Chhattisgarh State Electricity Board shall submit periodical report monthly regarding the action taken, to the Registrar(Judicial)of this Court, for perusal in Chamber.</p> <p>18. Before parting, this Court appreciates the valuable assistance rendered by the learned counsel appearing for the parties and so also the correspondent of the newspapers taking the matter in right perspective.</p> <p>Photocopy to all.</p>	<p>Sd/- Fakhruddin Judge</p>

12/6/12

13/6/12
18/7/12