

IN THE HIGH COURT OF JHARKHAND RANCHI

W.P. (C) No. 35 of 2012

M/s Amba Re-Rolling Mill Pvt. Ltd. a company incorporated under the Companies Act, 1956, having its Factory at Plot no. A-09, 1st Phase, Adityapur Industrial Area, Adityapur, Jamshedpur through one of its Director Shri Jaswant Singh son of Late Trilok Singh, resident of Contractors Area, P.O. & P.S. Bistupur, Town, Jamshedpur, District Singhbhum East

... Petitioner

Versus

1. Jharkhand Urja Vikas Nigam Ltd. having its office at Engineering Bhawan, HEC, Dhurwa, Ranchi through its Chairman
2. The General Manager-cum-Chief Engineer, Singhbhum Area, Jharkhand State Electricity Board, Cooperative Bank Building, Bistupur, Jamshedpur
3. The Electrical Superintending Engineer, Electric Supply Circle, Jamshedpur
4. The Electrical Executive Engineer (Commercial & Revenue) Electric Supply Circle, Jamshedpur
5. The Chief Engineer-cum-Chief Electrical Inspector, Energy Department, Govt. of Jharkhand, Nepal House, Doranda, Ranchi

... Respondents

CORAM: THE HON'BLE MR. JUSTICE PRASHANT KUMAR

.....

For the Petitioner : Mr. Nitin Pasari, Advocate

For the Respondents : Mr. Brij Bihari Sinha, Standing Counsel

5/30.04.2015 This application has been filed for quashing the assessment order dated 27.07.2011 (Annexure-11) passed by Electrical Superintending Engineer, Jamshedpur, whereby and whereunder, he held that petitioner is liable to pay Rs. 18,87,564/- towards pilferage of electricity.

It appears that an inspecting team of the Board inspected the petitioner's premises on 13.06.2007 and found that petitioner had committed theft of electricity. Thereafter they filed F.I.R. and the case is pending before the Special Court. Late on vide impugned order (Annexure 11) provisional assessment made. Under the aforesaid circumstance, as per the Division Bench judgment of this Court in **M/s Shyamal Iron and Steel versus Jharkhand State Electricity Board reported in 2013 (3) JLJR 435**, proper forum for the petitioner to file

application is Special Judge under Section 154 clause 5 & 6 of the Electricity Act.

In view of the aforesaid facts and circumstance, I do not want to entertain this writ application. Accordingly same is dismissed.

However, I give liberty to the petitioner to file application for final determination of the assessment amount before Special Judge, Electricity Board, Jamshedpur. I also give liberty to the petitioner to raise all the points taken in this application before the Special Judge.

(Prashant Kumar, J.)

Binit