

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007
(Arising out of SLP(C) No.2660/2006)

DAKSHINANCHAL VIDYUT VITRAN NIGAM LTD. &
ORS.

APPELLANT
(S)

:VERSUS:

M/S. MAWAN STEEL PVT. LTD. & ORS.

..... RESPONDENT
(S)

O R D E R

Leave granted.

High The grievance raised inter alia in this appeal is that the
Court committed an error in directing payment of the electricity dues in
favour of the respondent herein in 12 instalments which is violative of
the provisions of the U.P. Electricity Supply Code, 2005, framed under
Section 50 of the Electricity Act, 2003. Nobody appears on behalf of the
he respondents. An additional affidavit has been filed on behalf of t
appellants herein wherein it has been averred:

"3. That in compliance of the impugned judgment, 12 quarterly installments of Rs.275.87 lakhs were granted to respondent. On payment of 1st installment of Rs. 17.22 (provisional) the supply was reconnected on 24.11.2005 which was lying disconnected w.e.f. 10.11.2005 due to arrears. The consumer has been directed to pay Rs. 576960.00 being the balance amount of the first installment within 7 days which was not deposited.

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4. That the second installment of Rs. 34,36,959.00 was payable by March, 2006. However, against the same the consumer has only deposited Rs. 15 lakhs on 31.03.2006.

5. That on the representation dated 31.03.2006 submitted by the consumer, General Manager, Distribution vide his letter dated 01.04.2006 directed that while disposing of the representation of the consumer, if it is necessary, then installment be revised and reply be sent to the consumer.

6. That on the directions of General Manager, Distribution, Kanpur, after adjusting the amount of Rs. 17.22 lakhs deposited on 24.11.2005 lakhs on 31.03.2006, 12 equal quarterly installments of the remaining amount of Rs. 3,09,66,524/- as on 31.03.2006 has been made vide letter dated 25.05.2006."

There cannot be any doubt that if the impugned order passed

by the High Court had not been complied with by the respondents, the consequence therefor would ensue. However, having regard to the facts and circumstances of this case and the manner in which the writ petition filed by the respondents has been disposed of by the High Court, we are of the opinion that the matter should be considered afresh by it. Accordingly, the impugned order is set aside and the matter is remitted back to the High Court for consideration thereof afresh. The appeal is allowed.

.....J

(S.B. SINHA)

.....J

(MARKANDEY KATJU)

NEW DELHI,

JANUARY 12, 2007.

of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

DAKSHINANCHAL VIDYUT VITRAN NIGAM LTD. & ORS.

Petitioner(s)

VERSUS

M/S. MAWAN STEEL PVT. LTD. & ORS.

Respondent(s)

(With prayer for interim relief)

(FOR FINAL DISPOSAL)

Date: 12/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Pradeep Misra,Adv.

For Respondent(s)

Mr. Ashwani Bhardwaj,Adv. (Not present)

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The impugned order is set aside, the matter is remitted
back to the High Court for consideration thereof afresh and the

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appeal is allowed in terms of the signed order.

(A.S. BISHT)

(PUSHAP LATA BHARDWAJ)

COURT MASTER

COURT MASTER

(Signed order is placed on the file)