

M/s Paras Enterprises

Vs

Karnataka Electricity Board

Civil Appeal No. 1853 of 1992, With SLP (C) No. 6254 of 1991

(Kuldip Singh, Smt. M. S. Fathima Beevi JJ)

24.04.1992

ORDER

1. Special leave granted.

2. The question before the High Court was whether appellant is liable to pay electricity charges under "Tariff Schedule LT-5(b)" or "Tariff Schedule LT-3" of the Electric Power Tariff as prescribed by the Karnataka Electricity Board. The appellant claimed that it was covered by Tariff Schedule LT-5(b) and as such the Karnataka Electricity Board has no power to issue demand notice claiming electricity charges under Tariff Schedule LT-3. Learned Single Judge and the Division Bench of the High Court dismissed the writ petition and the writ appeal filed by the appellant.

3. We have heard learned counsel for the parties. The relevant Schedules are reproduced hereunder :

#"TARIFF SCHEDULE LT- 5(b) TARIFF SCHEDULE LT-3(Industrial Heating and Motive (Commercial Non-Industrial Lights, Power including Lighting) Fans, Heating and Motive Power)Applicable for supply to Applicable to power supply forcommercial, industrial and other lights, fans, Radio/TV Receivers,installations not covered under Air conditioners, Refrigerators,LT-3 & LT-4, Film Studios, Xerox/Photo copiers and CommercialXray installations, poultry farms Motive Power, etc. for commercialwith sanctioned load of more non-industrial purposes.than 7.5 KW. * * * "##

4. The Division Bench on the basis of the facts as disclosed by the appellant before the High Court, came to the conclusion that the appellant was using the cold storage for commercial purposes and as such the Electricity Board was justified in issuing demand under Tariff Schedule LT-3. The Division Bench dismissed the writ appeal on the following reasoning :

"We have already extracted the nature of activity carried on by the appellant. It will be clear from what we have extracted in the beginning of our judgment that it is not using this Cold Storage Plant for any industrial purpose. It does nothing more than getting potato seeds, storing them and distributing to the framers on a marginal profit. This undoubtedly is a commercial activity. Once this conclusion is reached, we do not know how it could ever be contended that the appellant cannot be charged under Tariff Scheduled LT-3, that applied specifically to commercial purpose. Therefore the impugned demand is well in order. As the learned Judge rightly concluded what is sought to be done by the Electricity Board is a revision of tariff by correcting the mistake."

5. We see no infirmity in the judgment of the High Court under appeal. We agree with the reasoning and the conclusions reached by the High Court. The appeal is, therefore, dismissed. No costs.

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