

SUPREME COURT OF INDIA

Carborundum Universal Ltd.

Vs.

Spl. Officer (Revenue) Kseb & Ors.

C.A.No.4271 of 2003

(H.K. Sema and Lokeshwar Singh Panta,JJ.)

23.01.2008

ORDER

Civil Appeal No. 4277 of 2003 Civil Appeal No. 4273 of 2003 Civil Appeal No. 8702-8703 of 2003 Civil Appeal No. 4274 of 2003 Civil Appeal No. 4275 of 2003 Civil Appeal No. 4276 of 2003

1. Heard learned counsel for the parties.

2. Mr. C.A. Sundaram, learned senior counsel appearing for the appellant(s) fairly submits that he has given up all other contentions except that the appellant is willing to pay the electricity charges as per clause (1) of the Board's order D.O. No. Plg.Cost.902/PC/86 dated 14/10/1988. Mr. T.L.V. Iyer, learned senior counsel appearing on behalf of the respondent, however, brought to our notice clause (5) of the said order which stipulates that the special allocation of power over and above the quota during power cut period will be charged at 80 paise per unit, the rate applicable for imported energy. Since the power cut has admittedly been lifted on 14/8/1986 and in view of clear order of the board in clause(1)2. of the order, we are of the view that clause (5) of the order is not attracted in these cases and, therefore, the appellant(s) are covered by clause (1) of the Board's order.

3. Accordingly, we direct that the appellant(s) shall be charged electricity charges in terms of clause (1) of the Board's order D.O. No. Plg.Cost.902/PC/86 dated 14/10/1988 in the ratio 25:75 on the actual consumption. This would be in consonance with the Board's order. Appeals are disposed of in the above terms.