

JPR5-538

**JAIPUR VIDYUT VITRAN NIGAM LIMITED
OFFICE OF THE CHIEF ENGINEER (COMML.)
VIDYUT BHAWAN, JANPATH, JAIPUR -302005**

No. JPD/CE(C)/C.I/F.4(346)Pt.III/D. 581

dated 13.03.09

ORDER

**Sub : Tariff applicability for exclusive chamber
of advocate and that of at his residence.**

Shri Sajjan Raj Surana, Advocate filed one suit against Erstwhile Raj.State Electy. Board in 1988 contending that the Appellant is an advocate and has taken an electric connection at "Rahim Manzil, M,I, Road, Jaipur. This is a residential building having chamber of Shri Surana, Advocate. The trial Court decided the case in favour of Shree Sajjan Raj Surana and held that " if the office or chamber of the Advocate is situated in residential building, the electricity charges are to be charged for residential consumption and not for non-residential consumption".

The Board went in appeal against the judgement of Trial Court which set aside the judgement of Trial Court.

Subsequently, Shri Sajjan Raj Surana filed S.B. Civil second Appeal No.448/1997 before the Hon'ble Rajasthan High Court. The Hon'ble High Court passed an order dated 18.12.01 in favour of Shri Surana stating that lawyer's profession being not a commercial activity as such tariff charged/applied by JVVNL to cover the office of lawyer under NDS category was declared as illegal. It was ordered that irrespective of the fact that lawyer is running his office at his residence or at a place other than his residence, billing is to be done under Domestic tariff.

Against this decision, JVVNL filed an SLP before Hon'ble Supreme Court of India on 18.02.2002. The Hon'ble Supreme

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Sup. Intending T. (IT & CRP)

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Court had stayed the implementation of the decision of Hon'ble High Court vide its order dated 25.11.02.

Finally, Hon'ble Supreme Court has passed an order on 7.5.08 vide which the order dated 18.12.01 of Hon'ble High Court which prescribed for applying Domestic tariff for Advocate's offices situated away from Advocates own residence in contradiction to the provisions of "Tariff for Supply of Electricity" was set aside.

In view of the final decision of the Hon'ble Supreme Court the correct position is that the office of the advocate not situated at his residence but situated at other place shall be covered under "Non-domestic tariff".

The matter has been discussed and it is enjoined upon all the field officers to apply the domestic tariff for the consumption at the office of the advocate situated at his own residence. However, if the office is situated at a place other than his residence, the electricity consumption be charged under Non-domestic tariff of "Tariff for Supply of Electricity".

This narration has been made to elaborate the matter for the guidance of field officers.

NMF
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By order,
NMF 13-3-09
(N.M.Sareen)
Chief Engineer (Comml.)

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