

# xkgd xklgk.ks fuokj .k ep

fo| r dk; nk] 2003 vrxr dye 42 1/5 1/2 vlo; s LFKfi r 1/2  
egkjKV<sup>a</sup> jkT; fo| r forj.k dia uh 1/6; khr 1/2  
ifjeMy] ukf'kd

nj/ouh Ø-% 0253&6526484 xkgd xklgk.ks fuokj .k ep  
QDI 0253&2591031 ; kps dk; ky; ] [kjcnk i kdZ  
E.Mail : cgrfnsk@rediffmail.com ifgyk etyk] 115 rs 117]  
} kjdk] ukf'kd 422011-

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## njl dr cnyu feG.ks ckr

1/4 jft Vj i kp Onkjs 1/2  
Xkk&gk.ks nk[ky fnukd % 06@04@2016  
fudky fnukd % 13@05@2016

ifr]

- 1 1/2 Jh- bZ , l - v'kkedu } rØkjkj  
pcj ua 214] fcYMHax ua1  
ftYgk U; k; ky; vkokj]  
ukf'kd
- 2 1/2 ukMy vf/kdkjh } oht forj.k dia uh  
e-jk-fot forj.k dia uh 1/6; kZ 1/4  
'kgj eMy dk; ky; ] ukf'kd
- 3 1/2 dk; Zdkjh vfHk; ark 1/4 k&1-1/4 }  
e-jk-fot forj.k dia uh 1/6; kZ 1/4  
foHkkfx; dk; ky; ] ukf'kd

### fu.kZ i =

Jh- bZ , l - v'kkedu gs fot forj.k dia uhps xkgd vkgr R; kauh  
oht forj.k dia uhdMs njl dr cnyu feG.ks ckr egkjKV<sup>a</sup> jkT;  
fo| r forj.k dia uhP; k vrxr xkgd rØkj fuokj .k l ferhdMs rØkj  
nk[ky dsh- i.k vrxr xkgd rØkj fuokj .k l ferh P; k fu.kZ kus  
l ek/kku u >kY; kus vki ys xklgk.ks R; kauh vuq ph ^v\* e/; s epkdMs  
l knj dsys rs epkdMs Øekd 71 vlo; s fn- 06@04@2016 jkst h  
ukno. ; kr vkys

epkP; k fn- 07@04@2016 P; k cBdhr gs iZdj.k l pko.khl ?ks ; kpk fu.kz ?ks ; kr vkyk- xklgk.ks vtKph l pko.kh epkP; k dk; kzy; kr fn-22@04@2016 jksth l - 11-30 oktrk fuf' pr dj.; kr vkyh- ; k l ca/khph l puk rØkjnkj xkgd o forj.k dāuhP; k l ca/kr vf/kdkl; kauk fn-07@04@2016 jksthP; k i=kUo; s ns ; kr vkyh- ; kp i=kl kcr rØkj vtKph ir ukMy vf/kdkjh 'kgj eMG dk; kzy; ] ukf'kd ; kauk nou rØkj vtKl kj eġfugk; vfHki k; 15 fnol kr epkdMs l knj dj.; kckcr o R; kph ir xkgdkyk ikgkpf. ; kckcr l ġpr dj.; kr vkys

l pko.khl fo|r forj.k dāuhrQ ukMy vf/kdkjh Jh- l h- l h- ġe.kj vfr- dk; Zdkjh vfHk; ark Jh- ih- , l - ?kkMd] l gk; d ys[ kki ky Jh- ih- vkj- ckEg.ks gs rj xkgd Lor% mi l Fkr gkrs

### **xkgdkph ckt**

- 1- vM- bZ, l - v'kkdu ukf'kd dkVkr odhyh djhr vl u R; kps vkQhl ucj 214 ftYgk dkVZ vkokjkr odhykps pccj fcYMhax ua 1] nġ & ; k etY; koj vkgs R; kpk oht xkgd dz- 049018427337 vl k vkgs
- 2- vkkLV 2015 ikl u forj.k dāuh dk; kzy; kpu fotps fcy oGkoGh feGr vkgs o vkti ; ġ fcykph l ol jDde Hkjysyh vkgs o ekpZ 2016 ps fcyl qnk Hkjysys vkgs R; kph fcy HkjY; kph i korh l kcr tkmr vkgs , dqk efgU; kpk okij 20 ; ġuVP; k [kkyh vkgs
- 3- R; kP; k fun'kZkl vkys dh] forj.k dāuhus fotph vkdkj.kh def'kz y ½okf.kT; ½ i/nrhus dsyeh vkgs ek- l ġie dkVkrps fudkyki æk.ks odhykps dk; kzy; def'kz y ½okf.kT; ½ Js khr ; r ukgh- odhykps pccj ph fcYMhax l qnk def'kz y ½okf.kT; ½ okijkr ekMr ukgh- rlp 'kkW vDV yk; l bl ykxq gkr ukgh o egkuxjikyhdk ?kjiVVh gh def'kz y i/nrhus vkdkj.kh dsyh tkr ukgh- l cc oht vkdkj.kh ns[ khy def'kz y i/nrhus dj.ks pphps vkgs o R; kr n#Lrh gks ks t #jh vkgs
- 4- R; kauh rdkj fuokj.k d{k] 'kgj eMy ukf'kd ; kpdMs rdkj dsyh vl u R; kauh fnukd 10@03@2016 jksth vl s dGfoys vkgs dh] egkforj.kps okf.kT; d ifji=d dā 175 fn- 05@09@2012 uġ kj vkdkj.kh ; kX; vkgs ijarq R; k ifji=dkph ir iġk0; kdkeh ns ; kr vkysyh ukgh o fnysyk fudkygh ; kX; o dk; ns'kj ukgh-

**xkgdkP; k ekx.; k %**

- 1- i qhy fcykph vkdkj.kh gh ?kj xqrh oki jkps Js khus vkdkj.; kr ; koh
- 2- ekxhy l kr efgU; kr t knk Hkjysyh jDde i qhy ; s kk&; k fcykr u deh dj.; kr ; koh o i qhy fotps fcyke/; s l nj t knk Hkjysyh jDde oxl dj.; kr ; koh fg fourh-

### **forj.k dā uhp ckt %**

forj.k dā uhp; k orhus ukMy vf/kdkjh ] ukf'kd 'kgj eMy ; kauh i= fn- 20@04@16 Onkjs fnysyk vgoky] l h-i-h-, y- o brj i=0; ogkj epkiqs l knj dsk- vkiyh cktw ekMrkauk forj.k dā uhp; k i frfu/kauh i friknu dsys dh%

- 1- Jh-bē , l - v'kkdu] pēj ucj 214] fcYMhax ua 1 ftYgk U; k; ky; vkokj] ukf'kd ; kauk 0; kol kf; d njkus oht vkdkj.kh gkr vl u R; k fBdk.kh i qkā .ks odhyh 0; ol k; kl kBh dk; kzy; Eg.ku oki j gkr vkgs rl p okf.kT; hd ifji=d dā 175 fn- 05@09@2012 ud kj Lor%ps okLr0; vl .kk&; k ?kj xqrh fBdk.kh odhyh 0; ol k; vl sy rj v'kk fBdk.kh ?kj xqrh njkus oht vkdkj.kh djrk ; bzy-
- 2- xkgdkph l nj fBdk.kh oht t kM.kh gh i qkā .ks 0; kol k; hd dk; kzy; ke/; s vl u rFks ?kj xqrh oki j ul Y; kus xkgdkyk oht fcykr vkdkj.; kr vkysyk okf.kT; hd njl dsr gk egkforj.kP; k fu; ekuq kj ; kX; vkgs R; keGs xkgdkph rdkj [ kkjht dj.; kr ; koh gh fourh-

### **vraxr rdkj fuokj.k d{k kph dk; bkgh**

vraxr rdkj fuokj.k d{k ukf'kd 'kgj eMy dk; kzy; ; Fks fn- 02@02@2016 jksth i klr >kyS; k rdkjhph l uko.kh fn- 15@02@2016 jksth l uko.kh gkpu fn- 10@03@2016 jksth i qhyiæk.ks fu.kē ns; kr vkyk-

Rkdjnkj xkgd ; kauk vkdkj.; kr vkysyk okf.kT; hd njl dsr gk egkforj.kps okf.kT; hd ifji=d dā 175 fn- 05@09@2012 ud kj ; kX; vkgs R; kr cny djrk ; r ukgh-

### **epkps fu'd'kz %**

- 1- rØkjnkj xkgdkps ukf'kd ftYgk dkMz vkokjkr odhykps pēj fcYMhax e/; s odhyh dk; kzy; kps vkMlI vkgs R; k vkMlI l kBh R; kauh tgyS 15 i kl u oht t kM.kh ?kryh vkgs R; kps vl s Eg.k.ks vkgs dh] forj.k dā uhus fotph vkdkj.kh def'kz y %okf.kT; ½ i /nrhus

dsyih vkgs odhykps pici jph fcYMHax def' kē y ½okf.kT; ½ oki jkr ekMr ukgh- ek- I fçe dkMkps fudkykçek.ks odhykps dk; kēy; def'kē y ½okf.kT; ½ Js khr ; r ukgh- R; kauk 'kkW vDV ykxq gkr ukgh o egkuxjikyhdk ?kji VVh def' kē y i/nrihus vkdkjyh tkr ukgh- I cc fcykph vkdkj.kh gh ?kjxqrh oki jkps Js khus dj. ; kr ; koh] v' kh R; kph ekx.kh vkgs

- 2- fofo/k xkgdkā kBh nj I drr Bjo. ; kps vf/kdkj egkj'V<sup>a</sup> fo|r fu; ked vk; kxkyk vl u rs oGkoGh fu; rdkfydfjR; k Bjoys tkrkr- I /; k vk; kxkP; k vknš k ¼-Ø- 12@2014½ fn- 26@06@2015 uđ kj ?kjxqrh oki jkP; k njl drrkl kBh i fhy çek.ks funđ k vkgr%

**“LTI (B): LT – Residential**

*Applicability: This category shall be applicable for electricity used at Low/Medium Voltage for operating various appliances used for purposes such as lighting, heating, cooling, cooking, washing/cleaning, entertainment/leisure, water pumping in the following places:*

- a) *Private residential premises, Government/semi-Government residential quarters;*

.....

*i) Residential premises used by professionals like Lawyers, Doctors, Professional Engineers, Chartered Accountants, etc., in furtherance of their professional activities in their residences, but shall not include Nursing Homes and any Surgical Wards or Hospitals; .....*

; kuđ kj odhy]vfHk; r] I unh ys[ kki ky b- çdkjP; k O; kol kf; dkauk rs R; kps O; ol k; R; kP; k ?kjkrnu djhr vl Y; kl ?kjxqrh oki jkpk njl drr ykxw vkgs ek= ; k O; kol kf; dkph dk; kēy; s fcxj&?kjxqrh] fcxj&vkš; kfxd vkf.k @fdok O; ki kjh bekrhe/; s vl Y; kl R; kauk ?kjxqrh oki jkpk njl drr ykxw gks kkj ukgh-

ofdykpk O; ol k; gk O; ki kjh@okf.kT; oxbkjhr ekMr ukgh ] gs ekU; vkgs ijarq rs gk O; ol k; R; kP; k ?kjko; frjhä brj fBdk.kh ½mnk-fcxj&?kjxqrh] fcxj&vkš; kfxd vkf.k@fdok O; ki kjh bekrhe/; ½ djhr vl Y; kl rFkhy fotpk oki j gk fuf' prfjR; k ?kjxqrh oxbkjhr ekMr ukgh-

- 3- ; kp fok; koj Jh- jktæ th- 'kkg fo- egkj'V<sup>a</sup> jkT; fo|r forj.k da WWRIT PETITION NO- 6891 OF 2010½ gk , d nkok ek- epbz mPp U; k; ky; kdMs nk[ ky >kyk gkr-k- fn- 2 vkkLV 2011 P; k vknš kk} kj s ek- epbz mPp U; k; ky; kus doG odhykP; k dk; kēy; kl kBh oki j. ; kr ; s kkU; k tkxojhy oht oki jkl kBh ?kjxqrh njkus fotpk vkdkj ykork ; s kkj ukgh] vl k fu.kē fnyk vkgs I njpk fu.kē [kkyhyçek.ks vkgs%

“.....The petitioner had thus admitted even in the plaint in the suit that the premises were used exclusively for the purpose of office not only by him but were shared with another advocate principally practicing in Mumbai. In view of the fact that the suit premises are exclusively used for the purpose of office, the petitioner is not entitled to claim that he should be charged for electricity consumed at the rate meant for domestic use, i.e. LT I - Residential use. The user of the suit is clearly a nondomestic and non-residential. The executing Court below therefore did not commit any error in holding that the decree 23 WP 6891/2010 which was passed in RCS No. 194 of 2000 was non-executable in view of the fact that the revised tariff had been fixed by the MERC which make the classification of the tariff only on the basis of domestic and non-domestic uses and not on the basis of residential use as opposed to commercial use....”

4- ; k vknš kkr ek- U; k; ky; kus ; kckcr i ģhyček. ks I foLrj er uknoys vkg%

“.....Admittedly, offices of professional persons like lawyers, doctors etc. would not fall in any of the categories from LT-III to LT-IX. The short question that arises for my consideration is whether a lawyer's office or a doctor's clinic would fall under the category LT-I (domestic) or LT-II (non-domestic). By no stretch of imagination, the premises which are used exclusively for the purpose of an office of a lawyer or an office of a chartered accountant or a dispensary/ clinic of a doctor can be regarded as a domestic use. In a sense, a lawyer, a chartered accountant or a doctor does not carry on any commercial activity. The vocation of a lawyer, a chartered accountant and a doctor is regarded in common parlance as a "profession" contra-distinguished from a commerce.. But certainly these vocations are not domestic vocations like avocation of a housewife. The classification made by the MERC for charging electricity is not "residential use" as opposed to "commercial use". The classification is made by the MERC as "domestic use" as opposed to "nondomestic use". The use of any premises exclusively for an office of a lawyer or an office of a chartered accountant or a dispensary/clinic of a doctor cannot be regarded as domestic use. The domestic use in common parlance is where a person 16 WP 6891/2010 or family resides; it ordinarily has a living space and a cooking space. We are not concerned with exceptional cases wherein there may be a domestic use without there being a separate cooking space like a single person taking premises on rent for his residence but eating out everyday with no cooking space in the premises occupied by him. Similarly, the premises which are exclusively used for profession may have a facility of a pantry or a cooking space where tea or coffee is prepared for serving to the staff and/or clients/patients but that would not make the use of the premises as a domestic use. The face of all professions is changing. Though still a vast majority of lawyers, who essentially carry on the profession of pleading in the Court, use their residence as an office where they meet their clients; and that may still be the face of a traditional lawyer practising in smaller cities and towns. However in large commercial metro-cities, multi partner lawyers firms dominate the legal profession. Some of

them carry on every activity of legal profession but pleading in the Court. They do the drafting and conveyancing work relating to the sale and transfer of properties, they do legal financial work relating to public issues and raising of capital (debt or equity), they undertake completing all legal formalities for obtaining of various licences, sanctions and do legal consultancy and every 17 WP 6891/2010 work other than pleading in the Court. Can their activity be regarded as a domestic activity? Even a man on the street would not call it to be a domestic activity. Similar is the case in respect of large firms of chartered accountants. Doctors have polyclinics, laboratories, diagnostic centres in their clinics. In such large offices and clinics, there may be a place used as kitchen or a pantry for preparation of tea and coffee and even for warming of food which the professionals may often consume in the office. But such use cannot be regarded as a "domestic use". The tariff entries fixed by the MERC for charging for electricity consumed are "domestic" and "non-domestic" user and not "residential" or "commercial" user. Every non-domestic use may not be a commercial use, but nonetheless it is not a domestic use. The user of the premises by doctors, lawyers or chartered accountants exclusively for the purpose of carrying on their profession, in the facts and circumstances as they exist today, though cannot be regarded as a commercial use, is certainly not a domestic use. It is a non-domestic use and therefore the tariff payable for the electric power consumed would be as applicable for non-domestic user.....”

5- rØkjnkj xkgdkauh ek- I okPp U; k; ky; kP; k fu.kz kpk mYys[ k dsyk vkgş ek= I nj fu.kz kph çr vFkok ri'khy fnysyk ukgh- rFkkfi oj I nHkhr vknş kkr ek- I okPp U; k; ky; kP; k v'kk , dk çdj .kkrhy fu.kz kpk mYys[ k [ kkyhyçek.ks dsyk vkgş

“.....

10. A copy of the decision, though unreported, rendered on the reference by a Bench of three Hon'ble Judges of the Supreme Court on 27th October 2005 in Civil Appeal No. 1065 of 2000 (the Chairman, M.P. Electricity Board vs. Shiv Narayan), has been placed before me by the learned counsel for the petitioner. The Larger Bench of the Supreme Court held that the tariff entries classify user into two categories, namely (a) domestic purposes and (b) commercial and non-domestic purposes. This is done statutorily in exercise of the powers under section 49 of the Electricity (Supply) Act, 1948. The classification clubs the commercial and non-domestic purposes into one category. The Court was of the view that question whether an advocate can be said to be carrying on commercial activity did not call for a decision for deciding the applicability of the rate of the charges for electricity used by him. As the user of the premises by an advocate for his office was admittedly not "domestic", it would fall in the category of 13 WP 6891/2010 "commercial and non-domestic". For any non-domestic use, the commercial rates were to be charged. The Supreme Court further held that exclusively running an office (of an advocate) was clearly a non-domestic uses.....”

Okjhy fu.kz kuđ kkj ek- l okPp U; k; ky; kus ns[ khy dōG (exclusively)  
 odhykP; k dk; kzy; kl kBh tkxpk okj vl Y; kl rks fcxj&?kjxrh  
 Bjoyk vkgđ R; keGs rØkjnkj xtgdkP; k ofdyka kBhP; k pčj e/khy  
 vKlQl l kBh ?kjxrh njkus oht vkdj yokok] gh fourh ekU; djrk  
 ; s kkj ukgh-

xtgdkps ifronu ] fo|r forj.k dia uhpk [kykl k o l knj dj.; kr  
 vkyyh dxni=s ; k l oZ ckchpk fopkj d#u ep ; k čdj.kh [kkyhy  
 iæk.ks fu.kz nr vkgš

**fu.kz**

- 1 rØkjnkj xtgdkP; k ofdyka kBhP; k pčje/khy vKlQl l kBh ?kjxrh  
 njkus oht vkdj yokok] gh fourh QvKG.; kr ; r vkgš
- 2 ; k fu.kz k fo#/n rØkjnkj ; kauk vihy djko; kps vl Y; kl ]  
 egjkV<sup>a</sup> fo|r fu; ked vk; kx ½xkgd xklgk.ks fuokj.k ep  
 o fo|r ykdiky½ fofu; e 2006 e/khy fu; e Ø- 17-2 uđ kj  
 ek- fo|r ykdiky ; kpdMs ] ½onjk & egjkV<sup>a</sup> oht fu; ked  
 vk; kx] 606] ^ds kok\*\* cxyk] cknk dkyđl ½p½ epb& 400051½  
 ; Fks ; k vknš kkP; k fnukdki kl u 60 fnol kP; k vkr rs vihy d#  
 'kdrkr-

**½ktu fl - dyd.kz ½**  
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**½ešk oa f'konkl**  
 l nL; &l fpo

**½ l jšk ika ok?k ½**  
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xk-xk-fu-ea ] ukf'kd i fjeMG

i r ekfgrhl kBh o ; kX; R; k dk; bkghl kBh vx'kr %

1-eđ ; vfHk; ark]e-jk-fo-fo-da½e; kZ½ i fjeMG dk; kzy; ] ukf'kdj kM 422101  
 ½dk; ½dkjh vfHk; ark ; i z kkl uA ; kps djhrk½

2-eđ ; vfHk; ark] e-jk-fo-fo-da½e; kZ½ i fjeMG dk; kzy; ] ukf'kdj kM 422101  
 ½t ul á dZ vf/kdkjh ; kps djhrk½

3-vf/k{kd vfHk; ark] e-jk-fo-fo-da½e; kZ½ 'kgj eMy dk; kzy; ] ukf'kd