

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB), represented by it's Secretary, Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. The Secretary, Ministry of Power, Energy and Mineral Resources, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

2. The Managing Director, Dhaka Electric Supply Company Ltd. (DESCO), Block-K, Road-24, House-3, Banani, Dhaka

3. The Managing Director, Dhaka Power Distribution Company Ltd. 1, Abdul Goni Road, Ramna, Dhaka

4. The President Gulshan Club, Gulshan, Police Station- Gulshan Club, District- Dhaka.

.....Respondents.

G R O U N D S

I. For that the duty and responsibility vested upon the administration to follow the instruction of the government. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps as per section 46 of the electricity Act. 1910.

II. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under the present situation the provision of Article 21 of the Constitution of Bangladesh has been violated. Moreover the section 46 of the Electricity Act.1910 has not been applied.

III. For that The Prime Minster directed the administration not to misuse the electricity in pick time due to shortage of electricity. The cause was to ensure supply of electricity for the farmer for cultivation of rice on which all the citizens are depending on. The Prime Minster also urged the people to consider the matter due to shortage of electricity and for much production of rice. Despite of that the

respondent no. 4 along with other club of Dhaka City is misusing the electricity in pick time by way of playing games in flood light. Hence it is clear violation of section 46 of Electricity Act.1910.

IV. For that the total production of electricity is less than the demand of the country and also hampers the industrial and agricultural production of the country as well as normal life of the citizens. So at this stage there is no alternative to stop misuse/waste of electricity which is reflected by the instructions of the Hon'ble Prime Minister.

V. For that the respondent no. 4 has violated the provision of section 46 of Electricity Act. 1910, so they are liable to be punished. Hence a direction should be given upon the respondents to take steps under section 46 of the Electricity Act. 1910.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

- a) Issue a Rule Nisi calling upon the Respondents to show cause as to why inaction of the respondent no. 1-3 to take steps as per the provision of Electricity Act. 1910, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondent 1-3 to take steps as per section 46 of the Electricity Act. 1910, against the Respondent No. 4 for wasting of electricity.
- b) Pending hearing of the Rule an order may be passed directing the Respondent no. 2 and 3 for taking necessary steps to refrain the respondent no. 4 from consuming the electricity in pick time from DESCO and DPDC for playing games in flood light.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
