

BEFORE THE ELECTRICITY OMBUDSMAN, JHARK HAND
4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001

Case No. EOJ/04/2016

M/s Khelari Cement Limited Appellant
Versus
JUVNL & Others Respondent(s)

Present:

Electricity Ombudsman : Shri Ramesh Chandra Prasad
Advocate for the Appellant : Sri P.N.Rai
: Sri R.R.Sinha
: Sri. N.K.Pasari
: Sri. Sudhir Kumar Singh
: Mrs. Ranjana Mukherjee
Counsel for the Respondent : Sri. Rahul Kumar
: Sri. Prabhat Singh

ORDER

(Order passed on this 15th day of September, 2016)

The instant Appeal has been filed by the Appellant against the Order dated 22/11/2015, passed in Case No.15/2014, by majority of learned Members of Vidyut Upbhokta Shikayat Niwaran Forum, Hazaribagh (herein referred to as VUSNF).

2) The Respondent has filed objection petition praying therein to reject the appeal filed by the appellant for exemption from pre-deposit in terms with 2nd proviso of Rule 14 of the (Guidelines for Establishment of Forum for

Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2011(herein after referred to as Regulation,2011).

3) In the appeal at hand, two sets of learned conducting advocates represented the appellant. Initially,Sri Pandey Neeraj Rai lead team represented the appellant. Team of Sri Rai sought adjournment after adjournment on some pretext or other. Finally, Sri Rai left to make further pairavi on behalf of the appellant and there after, Sri N.K.Pasari learned advocate appeared on behalf of the appellant.

4) Presently to the factual matrix the appellant through learned advocate Sri Pasari has initiated civil action by initiating writ petition for injunction to restrain this Forum from passing order to deposit 50% of the impugned bill. On 05/09/2016, when the matter was listed for hearing, the Hon'ble High Court directed that the matter shall be listed for hearing on 14/09/2016 and verbally directed the learned advocate Sri Pasari to communicate this Forum not to proceed further.

5) On 15/09/2016 the instant issue has been listed for discussion in this Forum. Sri Pasari remained absent during discussion. The learned counsel for the respondents contended that in view of no specific order from the Hon'ble High Court in the writ petition W.P. (C) No.1518/2016, the instant appeal may be dismissed in the light of the Regulation, 2011. The learned counsel for the respondents have further contended that since seven adjournments have already been given to the appellant for addressing this Forum on the point of maintainability and today also a representative of the appellant is asking for adjournment which is not fair in the larger interest of justice and, therefore, in the light of the facts and circumstances no further

adjournment be allowed and appropriate order may be passed on the point of maintainability.

6) The Jharkhand State Electricity Regulatory Commission has laid down in Regulation, 2011 that the Electricity Ombudsman shall entertain no appeal by any consumer who is required to pay any amount in terms of the order of the Forum, unless the consumer has deposited in the prescribed manner, at least 50% of that amount.

7) The instant memo of appeal has been filed against the order passed by learned two Members of VUSNF, Hazaribagh, to exempt the appellant from making payment of supplementary bill to the licensee, JUVNL. The applicant has not reported to have deposited 50% of the impugned supplementary bill as yet. Therefore, in absence of noncompliance of the aforesaid provisions of the Regulation, 2011 any appeal of the appellant cannot be entertained by this Forum.

8) In view of the circumstances of the case, I am not inclined to entertain the instant appeal without deposit of statutory amount as per the Regulation, 2011 and, therefore, this appeal is here by dismissed.

Let a copy of this order be given to both the parties.

Sd/-
Electricity Ombudsman