

In The Forum of Jharkhand Electricity Ombudsman, Ranchi

Appeal No.EOJ/05 of 2019

The Union of India through Welfare and Cess Commissioner, Government of India, Ministry of Labour and Employment, Labour Welfare Organization, P.O. Karma, P.S. Jhumri Telaiya (Koderma), District Koderma, Jharkhand

..... Appellant

Versus

1. The Chairman, Jharkhand State Electricity Board, Engineering Bhawan, H.E.C. Dhurwa, Ranchi, Jharkhand
2. The Secretary, Jharkhand State Electricity Board, Engineering Bhawan, Dhurwa, Ranchi, Jharkhand
3. The Finance Controller, Jharkhand State Electricity Board, Engineering Bhawan, H.E.C., Dhurwa, Ranchi, Jharkhand
4. The Chief Engineer (Commercial & Revenue) Jharkhand State Electricity Board, Engineering Bhawan, HEC, Dhurwa, Ranchi, Jharkhand
5. The Deputy Director (Audit), Jharkhand State Electricity Board, Engineering Bhawan, HEC Dhurwa, Ranchi, Jharkhand
6. The Deputy Accountant General (Audit), A.G. Office, Complex, Doranda, Ranchi, Jharkhand
7. The Executive Engineer, Jharkhand State Electricity Board, Jhumri Telaiya, P.O. Jhumri Telaiya, District- Koderma, Jharkhand

..... Respondents

CORAM: MR. PREM PRAKASH PANDEY

For the Petitioner : Mr. Himanshu Kumar Mehta, Advocate.

: Mr. Sharad Kaushal, Associate Counsel

06./Dated 12th July, 2019

1. The instant appeal has been filed by the appellant, named above, against order dated 07-11-2015, passed in case no 07 of 2011 corresponding to case no. 22 of 2012 by VUSNF, Hazaribag.
2. Heard the learned counsel for the Appellant on the point of admission and perused the material on records. After the perusal of materials available on record as well as JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman)

Regulations, 2011, there is a provision under clause 14 for entertaining an appeal for a maximum period of 60 days. Beyond this period no appeal can be entertained. Clause 14 reads as under:

“The licensee or any consumer aggrieved by an order made by the Forum(s) may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of receipt of the order, in such form and manner as may be laid down in these Regulations.”

“ Provided further that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of thirty days if sufficient cause is shown for not filing the appeal within that period; but not exceeding a maximum period of 60 days from the date of receipt of the order.”

3. The learned counsel has also filed a petition under section 5 of the Limitation Act for condoning the delay of almost three years in filing the instant appeal. On perusal of the impugned Order, it appears that order was passed by learned VUSNF, Hazaribag in case no. 07 of 2011 corresponding to case no. 22 of 2012, on 07-11-2015 and copy of the same was received by the appellant on 19-11-2015. So, maximum period of 60 days has been exceeded in filing the instant appeal from the date of receipt of order i.e. 19-11-15. Appeal was filed after more than 3 years. Hence, this appeal cannot be entertained by this forum. A reference can be made to the case law W.P.(C) No.4885 of 2017 M/s Santosh Ispat Vs the State of Jharkhand & others, decided by the Hon’ble Jharkhand High Court on 25th April, 2019 in which principle of law laid down that “The ombudsman can entertain the appeal but not exceeding the period of 60 days from the date of receipt of the order and therefore the proposition as laid down by the Hon’ble Apex court while dealing with the matter pertaining to Sales Tax or the Central Excise Act or the Electricity Act, as referred in the judgment aforesaid.”

4. Thus taking into consideration of the provisions of clause 14.of JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulations, 2011 and settled principle of law the condonation petition filed by the appellant is hereby dismissed and accordingly this appeal, hereby, dismissed as time-barred. Let a copy of this order be served on the appellant and also to the learned VUSNF, Hazaribag.

Sd/-
(Prem Prakash Pandey)