

Territorial Jurisdiction: State of Jharkhand

AUTHORITY OF THE ELECTRICITY OMBUDSMAN: JHARKHAND

Present: Gopal Kumar Roy
Electricity Ombudsman
2nd Floor, Rajendra Jawan Bhawan
Main Road, Ranchi- 834001.

Dated- Ranchi, the 18th day of September'2025

Miscellaneous Case No. 1 of 2025

(Arising out of the Order passed by the Electricity Ombudsman in Appeal No. - EOJ/03/2025 on 7.8.2025)

Sudhansu Bhushan Choudhary represented by Dr. Sanjeev Kumar Singh, son of Sri Chittaranjan Singh, resident of Sri Sai Niketan Apartment, Behind Shiv Mandir, Kokar, P.O. & P.S.- Kokar, District – Ranchi, Consumer No. KRK8690, K No. 16012106971.

----- Petitioner

Versus.

1. Jharkhand State Electricity Board, through its Chairman, officiating at Engineering Bhawan, H.E.C. Township, P.O. & P.S. Dhurwa, District – Ranchi.
2. Executive Engineer, Electricity Supply Division Kokar, P.O. & P.S.- Kokar, District- Ranchi.
3. Assistant Electrical Engineer, Electricity Supply Sub-Division-Kokar, P.O. & P.S.- Kokar, District-Ranchi.
4. Junior Engineer, Electricity Supply Sub-Division - Kokar, P.O. & P.S.-Kokar, District - Ranchi.

----- Respondents.

Counsel/Representative

On behalf of Petitioner: Dr. Sanjeev Kumar Singh, the petitioner himself.

ORDER

1. This miscellaneous case has been registered on the petition, on affidavit, of Dr. Sanjeev Kumar Singh praying therein to restore the Appeal EOJ/03/2025, which has been dropped by this Authority on 7.8.2025.

2. The operative portion of the order dated 7.8.2025 passed by the Authority of the Electricity Ombudsman, Jharkhand reads as follows :

In view of my findings and comments made above, it is therefore

ORDERED

that since there exists technical error, the appeal be and the same is

DROPPED

on technical grounds. To protect the interest of the consumer and/or the representative from the clutches of the limitation as prescribed in Clause 15 of the Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020, an opportunity is being given to them to furnish the required documents before this Authority of the Electricity Ombudsman, Jharkhand.

Dr. Sanjeev Kumar Singh is at liberty to get the appeal restored within a period of 30 days from today by removing the defects as have been pointed out and filing a restoration petition on affidavit.

3. The following technical defects were detected in appeal and directions were made to the appellant Sudhanshu Bhushan Choudhary or his representative Dr. Sanjeev Kumar Singh to remove the defects:

Dr. Sanjeev Kumar Singh had presented himself as the REPRESENTATIVE of one Sudhanshu Bhushan Choudhary, before the learned VUSNF, Ranchi and before this Authority of Electricity Ombudsman in Appeal No. EOJ/03/2025. It appears from the record that Dr. Sanjeev Kr. Singh had filed a complaint before the learned VUSNF, Ranchi in representative capacity and also had filed the appeal in the same capacity. To file a case in representative capacity, the applicant is mandatorily required:- (i) To obtain LEAVE of the learned Forum to file & proceed with the case for other aggrieved persons. (ii) To file an 'Authority Letter' of the other 'Aggrieved' person to make the Judgement / order binding upon him. (The provision of Order I Rule 8 of the Civil Procedure Code may be referred to). Dr. Sanjeev Kumar Singh was directed to **"furnish the authority letter of Sudhanshu Bhushan Choudhary"** to represent his case before the learned VUSNF, Ranchi and also before the Electricity Ombudsman, Jharkhand.

Though Dr. Sanjeev Kumar Singh was specifically directed to comply with the above directions and file an "Authority Letter " of Sudhanshu Bhushan Choudhary to conduct this appeal, but he had failed to produce the letter. A chit of paper, issued by Sudhanshu Bhushan Choudhary, which was filed by Dr. Singh, says that the consumer (Sudhanshu Bhushan Choudhary) has no objection if Dr. Sajeew Kumar Singh takes steps for changing the consumer's name. It was not an authority letter of Sudhanshu Bhushan Choudhary authorising Dr. Sajeew Kumar Singh to file an appeal before the Electricity Ombudsman on his behalf. The Authority of Electricity Ombudsman didn't find any document on record to confirm that Dr. Sajeew Kumar Singh is the authorised person and the representative of the consumer Sudhanshu Bhushan Choudhary to file this appeal.

4. Since the appeal was at the stage of admission, the result of that appeal should be - "REJECTED" but to protect the interest of the appellant, it was dropped with a liberty to get it restored by furnishing the required documents.

5. The application on affidavit of Dr. Sanjeev Kumar Singh reads as follows :

With regards I have to state that the defects pointed out in the order passed by your honour on 07/08/2025 have been removed as follows.

Defect No. 1 : I have not shown any ground for appeal in my memo of appeal.

Rectification : The case was not heard on merit and was dismissed upfront, on the basis of me not being a consumer as per the definition of a consumer in the electricity department's rule book. The learned VUSNF has completely misinterpreted the definition of consumer while passing its order.

The definition of consumer as mentioned in the order passed by the learned VUSNF may kindly be referred to. It clearly states that a person is a consumer even when he is temporarily being supplied with electricity. My flat though has got a permanent connection, vide Consumer No – KRK 8690. An electricity meter is not some portable home appliance. It's installed on a premise, on a particular address. And I have numerous documents to suggest that the address belongs to me. I purchased the flat (where the meter vide consumer no KRK 8690 is installed) from Mr. Sushanshu (Sudhanshu) Bhushan Choudhary on 13/08/2018, some four years before the dispute sparked. Its me who has been paying the electricity bills ever since I purchased the flat and will continue to do so once the current dispute is settled. Just because the name in the meter was not updated, Mr. Choudhary cannot be held liable for paying the outstanding bills. It's me who is the consumer. Earlier before Mr. Choudhary sold the flat to me, the electricity was being supplied to him while post sale, the electricity is temporarily being supplied to me until the name in meter is updated. Mr. Choudhary has never claimed that he continues to be a consumer of consumer no KRK 8690 even after he sold his property to me. I am getting my electricity bills regularly on my personal mobile no 9431275557. This mobile no doesn't belong to Mr. Choudhary.

Defect no 2- I have not disclosed any reasons as to how the consumer (Sushanshu (Sudhanshu) Bhushan Choudhary) is dissatisfied with the order of the learned VUSNF.

Rectification: Once the learned VUSNF has conceded that, “the civil liabilities of the house also shifts with its right of entitlement to the person who has become the first owner of his house,” the onus lies on me to settle all the electricity dues. And for that very reason, it’s me who has been paying the bills ever since I purchased the flat. There is absolutely no need why on earth the previous owner of the flat Mr. Choudhary be dragged into all this.

Defect no 3.: There seems to be a confusion about who is the appellant in this appeal.

Rectification:- It’s me, Dr. Sanjeev Kumar Singh (who) is the appellant in this appeal. Just in case, I do not qualify as an appellant owing to me not being registered as consumer in meter ownership records of electricity department, a document duly signed by Mr. Sushanshu (Sudhanshu) Bhushan Choudhary had been placed on record, which in its column no 4 clearly mentioned that I am authorized to represent him. I had also submitted copies of sale deed in support of genuinity of Mr. Choudhary’s signature, as asked for. This document duly qualifies as an authorization letter from Mr. Choudhary for me to represent him in any dispute.

Defect no 4 : There seems to be a confusion as to who is the consumer of consumer no KRK8690.

Rectification:- It’s me Dr Sanjeev Kumar Singh who is the consumer of consumer no KRK 8690 ever since I purchased the flat i.e. 13/08/2018, from Mr. Sushanshu (Sudhanshu) Bhushan Choudhary. Mr. Choudhary, the previous owner of the flat is merely the meter owner, since the name in the records is yet to be updated.

Defect no 5 : There seems to be a confusion regarding my status in this appeal.

Rectification : It’s me who is aggrieved in this case and also I am an appellant. In view of the facts already mentioned above, my status in this appeal is clearly of a consumer.

Defect no 6 : The grievances of the consumer in the order passed by the learned VUSNF are not elaborated.

Rectification : The grievances of the consumer in the order passed by the learned VUSNF are as follows.

1. The definition of consumer as mentioned in the order was misinterpreted. As per the definition, a person is deemed consumer even when electricity is temporarily being supplied to his premises.
2. The submissions that the outstanding dues are liabilities of previous owner of the flat Mr. Sushanshu (Sudhanshu) Bhushan Choudhary, and JBVNL should get the bills cleared by him before making necessary changes in consumer name, are totally uncalled for. The flat has been in my possession for some four years when the dispute sparked. It's awfully wrong to implicate the previous owner Mr. Choudhary into all this.
3. The forum order in the first paragraph through the counsels of the respondents, highlights the outstanding dues as liabilities of Mr. Sushanshu (Sudhanshu) Bhushan Choudhary, while in the last paragraph of the same page, it's me who is being directed to clear the dues. The submissions are contradictory and looks like the forum is trying to adjudge either me or Mr.Choudhary a consumer as per their convenience.
4. The order further status that once the dues are cleared, I will need to apply for a fresh connection. This is highly objectionable. It's imperative on the part of electricity department to transfer the same connection in my name, once the dispute is settled. New owner of a house is not given a new consumer no every time a house is sold. The same consumer no is allotted to the new owner after taking holding receipt and other documents required.

In view of the above mentioned facts, I request you to get the appeal restored for quashing the order passed by the learned VUSNF, and me getting the reliefs sought. An affidavit in this regard is also being attached separately.

FINDINGS

6. Non furnishing of documents by Dr. Sanjeev Kumar Singh :

Dr. Sanjeev Kumar Singh, who has claimed to be a representative of Sudhanshu Bhushan Choudhary, has failed to furnish any document till the day that he (Dr. Sanjeev Kumar Singh) has been authorised by Sudhanshu Bhushan Choudhary to file the appeal.

7. Status of Dr. Sanjeev Kumar Singh :

Sudhanshu Bhushan Choudhary was the owner of a flat at Kokar, Ranchi having Flat No. 203 in Sri Sai Niketan Apartment. He had obtained an electricity connection with consumer number KRK 8690.

Sudhanshu Bhushan Choudhary and his wife Dr. (Mrs.) Shashi Bala Singh had sold the above flat to Dr. Sanjeev Kumar Singh through a registered Deed of Sale on 13.8.2018. The electricity connection on the flat is still continuing in the name of Sudhanshu Bhushan Choudhary.

The grievances of Dr. Sanjeev Kumar Singh is not about getting a new electricity connection over Flat No. 203 or to mutate his name as consumer. His grievance is against an outstanding dues, as per bill generated by the Distribution Licensee, in the name of existing consumer Sudhanshu Bhushan Choudhary, the seller of the flat.

The consumer Sudhanshu Bhushan Choudhary has not come forward before the learned VUSNF, Ranchi for redressal of his grievances. Dr. Sanjeev Kumar Singh preferred to file a complaint, claiming himself as the representative of Sudhanshu Bhushan Choudhary on the strength of the registered sale deed, filed a complaint before the learned Forum. The

learned Forum dismissed the case of Dr. Sanjeev Kumar Singh by holding that he is / was not a consumer of electricity.

Dr. Sanjeev Kumar Singh filed an appeal before the Electricity Ombudsman by representing himself as the “representative” of Sudhanshu Bhushan Choudhary but without any authority or consent of Sudhanshu Bhushan Choudhary.

A flat purchaser does not automatically become an electricity consumer. He must apply to the electricity distribution company to become a consumer for that specific flat, fulfilling statutory conditions and making necessary payments. The flat purchaser must apply to the electricity distribution company to get an electricity connection for his purchased flat. The applicant must satisfy all statutory conditions laid down under the Electricity Act, 2003.

I have gone through the impugned order of the learned Vidyut Upbhokta Shikayat Niwaran Forum, Ranchi passed in case no. 05/2024 on 20.12.2024. I have also gone through the memo of appeal. The status of Dr. Sanjeev Kumar Singh is the representative of Sudhanshu Bhushan Choudhary. In the memo of appeal the appellant is Sudhanshu Bhushan Choudhary and the appeal was filed by Dr. Sanjeev Kumar Singh claimed himself as the representative of Sudhanshu Bhushan Choudhary.

And when, Dr. Sanjeev Kumar Singh was directed to furnish the “Authority Letter” of Sudhanshu Bhushan Choudhary to file this appeal, he (Dr. Singh) ventured to declare on affidavit in his petition dated 1.9.2025 that - “It’s me, Dr. Sanjeev Kumar Singh (who) is the appellant in this appeal.”

The learned Forum has dismissed the case on the ground that the new Incumbent of the premise should first upon clear the outstanding dues and then apply for fresh

connection in his name being a consumer. This Forum also finds that civil liabilities of the house also shifts with its right of entitlement to the person who has become the first owner of his house. So this Forum concurs with the view of the counsel of the respondent and his right as consumer is not maintainable here in this Forum and hence the complaint of the petitioner is hereby dismissed.

8. Putting feet by vendee in the shoes of vendors :

After purchase of Flat No. 203, Sri Sai Niketan Apartment, Kokar, Ranchi through a registered deed of sale, from Sudhanshu Bhushan Choudhary & his wife, where there exists an electricity connection in the name of Sudhanshu Bhushan Choudhary having consumer number KRK 8690, the purchaser Dr. Sanjeev Kumar Singh misconceived that he became the consumer of electricity automatically on the strength of that registered sale deed.

The electricity bills are being generated in the name of Sudhanshu Bhushan Choudhary. There are outstanding dues in his name. He is a defaulter. The premises i.e. Flat No. 203, Sri Sai Niketan Apartment, Kokar, Ranchi is not defaulter. In the case of **K.C. Ninan vs Kerala State Electricity Board reported in 2023 SCC OnLine SC 663** decided on 19.5.2023, the Hon'ble Supreme Court has held that- *it is always the consumer who is supplied electricity and is held liable for defaulting on payment of dues or charges for supply of electricity. Perforce, the premises cannot be held to be a defaulter and no dues can be attached to the premises of the consumer.*

If there exists any grievance of consumer Sudhanshu Bhushan Choudhary against the Distribution Licensee, he has to come forward before the learned Forum and in appeal, if dis-satisfied from the order of the Forum, before the Authority of Electricity Ombudsman for redressal.

The purchaser Dr. Sanjeev Kumar Singh has got no locus standi to put his feet in the shoes of his seller Sudhanshu Bhushan Choudhary to file complaint against Distribution Licensee before the learned Forum or to file appeal before the Electricity Ombudsman.

9. I find and hold that the petition on affidavit filed on 1.9.2025 by Dr. Sanjeev Kumar Singh is not as per liberty given to him by this Authority in Order dated 7.8.2025 passed in Appeal No. EOJ / 03 of 2025 to get the appeal restored.

10. In view of my findings & comments made above, It is therefore

ORDERED

that the miscellaneous case be and the same is,

DISMISSED

against the petitioner Dr. Sanjeev Kumar Singh and in favour of the Jharkhand Bijli Vitran Nigam Limited and its Officers. The request of Dr. Sanjeev Kumar Singh to restore the appeal having number EOJ / 03 of 2025, which has been dropped by this Authority vide order dated 7.8.2025, is hereby refused.

There shall be no order of costs. Let a copy of this order be served upon the parties.

Dictated & Corrected by me,

Pronounced by me,

(G. K. ROY)

(GOPAL KUMAR ROY)
Electricity Ombudsman: Jharkhand