

Territorial Jurisdiction : State of Jharkhand

**AUTHORITY OF THE ELECTRICITY OMBUDSMAN: JHARKHAND**

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

Dated - Ranchi, the 15th day of February, 2024

**Appeal No. EOJ/03 of 2020**

(Arising out of judgment passed in Case No. 03 of 2003 by the VUSNF, Ranchi)

Kailash Chandra Jain S/O Shri Y.K. Jain

by faith – Jain, by occupation – Business

R/O Archarya Bimal Lodge

Near Over Bridge, 5 Main Road, P.O + P.S.- Chutia

District – Ranchi, Jharkhand. -----Appellant

**Versus.**

1. Jharkhand State Electricity Board  
having its office at Engineer's Bhawan  
Dhurwa, H.E.C, District- Ranchi.
2. The General Manager - cum - Chief Engineer  
Ranchi Area Electricity Board, Kusai Colony  
P.O + P.S.- Doranda, Ranchi.
3. Electrical Superintending Engineer  
Ranchi Area Supply Circle, Kusai Colony

P.O. + P.S. - Doranda, Ranchi

4. Electrical Executive Engineer

Jharkhand State Electricity Board

Supply Division - 01, Kusai Colony

P.O. + P.S. - Doranda, Ranchi

5. Electrical Executive Engineer

Jharkhand State Electricity Board

Electric Supply Division Kokar

P.O. - Kokar, P.S. - Sadar, District - Ranchi ----- Respondents

Counsel / Representative

On behalf of Appellant : Ms. Omon Horo, Advocate

On behalf of Respondents : Mr. Mohan Kumar Dubey, Standing Counsel

## **JUDGEMENT**

**1.** The Consumer Kailash Chandra Jain has filed this appeal for setting aside the order dated 28.07.2012 having Memo No. 844 passed by the Respondent No.- 05, i.e. the Electrical Executive Engineer, Electric Supply Division, Kokar, Ranchi whereby and where under the consumer's bill has been corrected / rectified in terms of the Judgement passed by the Consumer Grievance Redressal Forum, Jharkhand State Electricity Board, Ranchi in Consumer Case No. 3/2003 passed on 28.08.2003 to the extent of Rs.18,41,410 through which the consumer has been informed that a sum of Rs.2,60,805 is due against him. Further this appeal has been preferred to set aside the order dt. 15.10.2012 having Memo No.3534 passed by respondent no. 02 i.e. the General Manager – cum – Chief Engineer Ranchi Area Electricity Board, Kusai Colony, Ranchi whereby and where under

the appellant has been directed to pay a sum of Rs.2,60,805 forthwith towards his corrected and rectified electric bill. It is relevant to mention here that the learned Consumer Grievance Redressal Forum (here in after shall refer as CGRF), Ranchi has decided the Consumer Case No.-3 of 2003 on 28.8.2003. The consumer Kailash Chandra Jain ( Consumer No. - B-1846 ) has not impugned the Judgement of the learned CGRF, Ranchi passed in Case No.3 of 2003 rather has challenged the Orders dated 28.7.2012 and 15.10.2012 passed by the Electrical Executive Engineer and the General Manager – cum – Chief Engineer respectively.

**2. Reliefs sought for by the Appellant in this Appeal/Representation**

To set aside the order dt.28.07.2012 contained in memo no.844 passed by the respondent no. 05 whereby and where under the appellant's bill has been corrected and rectified in terms of Judgement passed by the Consumer Grievance Redressal Forum, J.S.E.B, Ranchi in Consumer No. B-1846, Case No.3/2003, on 28.08.2003 to the extent of Rs. 18,41,310 and the petitioner has been informed that a sum of Rs.2,60,805 is due against him And also to set aside the order dt.15.10.2012 contained in memo no.3534 passed by the respondent no. 02 General manager - cum – Chief Engineer Ranchi area Electricity Board, Kusai Colony, Ranchi whereby has been directed to pay a sum of Rs. 2,60,805 forthwith towards his corrected / rectified Electric Bill and passed any order/s as the authority of Ombudsman deems fit and proper.

**3. The operative portion of Judgement of the learned CGRF, Ranchi.**

The Consumer has challenged the order of Electrical Executive Engineer passed on 28.7.2012 and the order of General Manager – cum – Chief Engineer passed on 15.10.2012. Both the orders have been passed in compliance with the Judgement pronounced by the learned CGRF, Ranchi in Complaint Case NO. 3 of 2003 on 28.8.2003. I feel expedient to bring forward the operative portion of the Judgement of learned CGRF, Ranchi for better appreciation of Consumer's Representation / Appeal.

**Para 9.17, the operative portion of the Judgement, reads as follows :-**

"In the totality of the facts and circumstances of the case we are of the opinion that the connected load as inspected on 7<sup>th</sup> June, 2000 shall remain 32.0KW till the order of the G.M. -cum- C.E. for re-inspection dated 01.9.2000. Therefore monthly bills from June, 2000 to September, 2000 shall be raised on the basis of connected load of 32.0 KW and as per Clause no.16.9 and sub clause no. IV of the tariff. Monthly bills from October, 2000 to October 2002 shall be prepared and raised on the basis of connected load of 8.0 KW. Monthly bills from November 2002 and onwards shall be prepared and raised on the basis of connected load of 3.0 KW as per inspection dated 25.10.2002.

The levy of Delayed Payment Surcharge raised in the bills is held to be invalid and illegal and therefore must be dropped and withdrawn.

The impugned monthly bills raised from June, 2000 including the bill of June, 2000 and onwards till date are set aside.

The General Manager - cum - Chief Engineer, Ranchi Area Electricity Board, Kusai colony, Ranchi shall arrange and ensure preparation and raising the revised bills in the light of above directions after adjusting the amounts already paid and serve the bills to the petitioner within one month from the date of the order.

The petitioner will be obliged to make payment as per rule.

In the result the petitioner is allowed and with the above directions the petition is disposed of.

In the meantime, during the pendency of the Judgment the petitioner filed an I.P as his electric connection was disconnected. The line was restored as per the respondents and

disconnection was done due to some information gap by lower staff. Before parting with the file we will like to observe that in the interest of natural Justice the JSEB may consider reviewing and revise the circular dated 13.01.1997 which has been already done away by JSEB by the circular dated 28.7.2001 withdrawing the loads of unused and idle plug points.”

#### **4 . Counter Affidavit of the Respondents**

A joint load inspection was conducted by the APT team Jharkhand Bijli Vitran Nigam Ltd., Ranchi on the premise of the petitioner on 7.6.2000 and load was found 32 KW against Sanction load 8 K.W. That the present appeal is being filed by the appellant for setting aside the order dated 28.7.2012 as well as order dated 15.10.122 passed by the authority. The respondent fully complied with the direction of the Consumer Court's Order and modified the bill as per Judgment passed by the Court. The respondent authority as per direction and in compliance of court order passed in Consumer case no.3/2003 passed on 28.8.2003 has fully complied and corrected amounting Rs.18,41,310 has been done on consumer's bill as per load of 32 K.W. from 6/2000 to 9/2000, 8 K.W. load from 10/2000 to 10/2002 and 3 K.W. from 11/2002 to 8/2010. After correction bill Rs.2,60,805 only. The appellant, proprietor of Bimal Lodge, Main Road (near over bridge) Ranchi had taken connection for Bimal lodge bearing consumer no.B1846 for a sanction load of 08 K.W. On 7.6.2000 the premises of the appellant were inspected by the APT team in which total load was found to be 31.956 K.W. or say 32 K.W. against the sanctioned load of 08 KW. The basis of above inspection and as per clause 16.9 of the tariff the bill for excess unauthorized load of 24 K.W. that is a sum of Rs. 1,25,909 was levied on the bill of June 2000 as arrear apart from the current monthly bill of Rs.12,014. The appellant raised objection against the inspection report vide letter dated 27.07.2000 to GM-cum-CE, Ranchi who in turn ordered for fresh inspection to the Electrical Superintending Engineer, Electric Supply Circle, Ranchi dated 01.12.2000. The Electrical Superintending Engineer,

Electric Supply Circle, Ranchi directed the E.E.E., Urban Electric (Supply) Division, No.- 1, Ranchi to reinspect the premises of the appellant. The appellant informed GM-cum-CE vide letter dated 19.09.2001 as well as AEE vide letter dated 21.09.2001 about closure of his premises but board was bound to raise bill based on existing load unless consumer could get his connection terminated after properly applying for the same and could complete the required formalities. The legal notice was served dated 25.6.2002 to petitioner in case petitioner does not deposit Rs. 3,80,834. The petitioner filed a writ petition bearing WPC no. 4284 of 2002, praying for quashing of the bill for the month of June 2000 to till date inspection report dated 07.06.2000 and quashing the legal notice dated 25.6.2002. The Hon'ble High Court disposed of the said petition by order dated 30.09.2002 with the following order "Having regards of the facts and circumstances it appears that GM cum CE, Ranchi, as already directed to make reinspection, the case is remitted to the respondent with direction to act as per the direction given by GM-cum-CE and pass appropriate order in respect to grievance of petitioner within two months from the date of receiving of a copy of this letter". After this order of Honorable High Court, the petitioner filed a representation to the GM cum CE, Ranchi on 10.10.2002. The pursuant to the order of Hon'ble High Court an inspection was carried on dated 25.10.2002 by the officer of Jharkhand State Electricity Board in which load was found nearly 03 kw. Because rooms were found vacant as the lodge was closed, only one bangle shop inside godown with electrical fittings. The GM cum CE dismissed the representation of petitioner vide order dated 03.12.2002. The after that appellant moved to Honorable CGRF on dated 28.08.2003 and Honorable CGRF ordered that the connected load as inspected on 07.06.2000 shall remain 32 KW till the order of GM cum CE, Ranchi for reinspection dated 01.09.2000. Therefore, monthly bill from June 2000 to Sep 2000 shall be raised based on connected load 32kw as per clause no. 16.9 and sub clause no.4 of tariff, Monthly bill from October 2000 to October 2002 shall be prepared and raised on the basis of 08 KW, and Monthly bill from November 2002 and onward shall be prepared and raised on the basis

of connected load 03 KW as per inspection dated 25.10.2002. On 28.07.2012 as per the order of the CGRF dated 28.08.2003 and Dy. Law Advisor Jharkhand State Electricity Board, letter no.- 897, dated 06.07.2012 consumer's bill has been rectified to Rs.260805, which is due and needs to be paid by the consumer. This case is not maintainable before this Court because the appellant did not challenge the order of consumer case no.3/2003 passed on 28.8.2003. The authority had acted as per order passed in consumer case no.3/2003 passed on 28.8.2003. Hence requires no interference.

## **FINDINGS**

**5.** The present appeal has been filed by the appellant Kailash Chandra Jain before this Authority of Electricity Ombudsman on 20.1.2020 in compliance with the direction of the Hon'ble High Court passed in W.P.( C ) No.2017 of 2014 vide order number 04 on 26.11.2019. It was the Jharkhand State Electricity Board (JSEB) and its officers, who were respondents in W.P.( C ) No.- 2017 of 2014 before the Hon'ble High Court of Jharkhand at Ranchi had raised a preliminary objection to the effect that there was remedy of appeal under section 42(5) of the Indian Electricity Act, against the impugned Judgement passed by the Consumer Grievance Redressal Forum on 28.8.2003.

**6.** The Respondents J.S.E.B and its officers have raised a question regarding the maintainability of this appeal. It is submitted that the respondents have fully complied with the directions of the learned CGRF Ranchi and modified the bill as per Judgement. The appellant did not challenge the order of learned CGRF Ranchi passed in Consumer Case No.3/2003 passed on 28.8.2003. Since the Electricity Authority has acted as per order passed by the learned CGRF, Ranchi in Consumer Case No.-03/2003 on 28.8.2003, hence it requires no interference.

**7.** The Clause 20 of the Jharkhand State Electricity Regulatory Commission (Guidelines of Establishment, of Forum for Redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 deals with the procedure for filing a representation /appeal.

The Sub Clause (3) (a) of Clause 20 of These Regulations, 2020 authorises the consumer to file a representation before the Electricity Ombudsman if the order of the Forum (CGRF/VUSNF) has not complied with. Meaning thereby, if the Licensee complies the Order and Directions of the learned Forum, no appeal shall lie.

**8.** The appellant Kailash Chandra Jain has not impugned the order of the learned CGRF, Ranchi passed in Consumer Case No.3 of 2003 on 28.8.2003. There is nothing on Memo of Appeal that the consumer is aggrieved by the order of the learned CGRF, Ranchi. In that scenario, the consumer Kailash Chandra Jain is entitled to prefer an appeal, if the order of the learned CGRF Ranchi has not been complied with by the licensee.

I have gone through the operative portion of the order / Judgement of the learned CGRF, Ranchi. The directions/orders of the learned CGRF Ranchi, passed in Case No. 3 of 2003 on 28.8.2003, are being reproduced here in tabular form for better understanding.

<b>Direction /Order</b>	<b>Directions Given / Orders Passed</b>
Direction No.1	The connected load as inspected on 7.6.2000 shall remain 32.0 kw till the order of the G.M.- cum -C.E. for re-inspection dt.1.9.2000



Order No. 1	The monthly bills from June 2000 to September 2000 shall be raised on the basis of connected load of 32.0 KW. and as per clause No.16.9 and sub-clause No. IV of the tariff.
Order No.2	The monthly bills from October 2000 to October 2002 shall be prepared and raised on the basis of connected load of 8.0 KW.
Order No.3	The monthly bills from November 2002 and onwards shall be prepared and raised on the basis of connected load of 3.0 KW as per inspection dated 25.10.2002.
Direction No.2	The levy of Delayed Payment Surcharge raised in the bills is held to be invalid and illegal and therefore must be dropped and withdrawn.
Order No-4	The impugned monthly bills raised from June 2000 including the bill of June, 2000 and onwards till date are set aside.
Direction No-3	The General Manager – cum - Chief Engineer, Ranchi Area Electricity Board, Kusai Colony, Ranchi shall arrange and ensure preparation and raising the revised bills in the light of above directions after adjusting the amounts already paid and serve the bills to the petitioner within one month from the date of the order.
Direction No.4	The petitioner will be obliged to make payment as per rule.
Observation	In the interest of Natural Justice, the JSEB may consider to review and revise the circular dated 13.01.1997 which has already done away with BSEB by the circular dated 28.7.2001 withdrawing the loads of unused and idle plug points.

**9.** It is not the case of the appellant Kailash Chandra Jain that the directions of the learned CGRF, Ranchi have not been compiled by the Electrical Executive Engineer (Respondent No.5) and by the General Manager-cum- Chief Engineer, Ranchi (Respondent No-2). The appellant has admitted that the Respondent No.2 has passed order on 28.7.2012 having Memo No. 844 and the Respondent No.5 has passed order on 15.10.2012 having Memo No. 2, in compliance with the orders & directions of the learned CGRF,Ranchi. It is not the case of non compliance of the Orders & Directions of the learned CGRF Ranchi by the Licensee JSEB and its Officers rather the present Appeal / Representation revolves upon an allegation of WRONG COMPLIANCE.

The appellant, at para-10 of his Memo of Appeal, has ventilated his grievances and pointed out as to how he is aggrieved by above orders passed by the Respondent Number 2 and 5. It reads as follows:-

**a.**The impugned order/s is not sustainable in the eye of law and in view of the facts the said order/s are totally contrary to the judgement passed by the Consumer Grievance Redressal Forum, Ranchi.

**b.**The action of the respondent is not justified in continuing to raise arbitrary and illegal monthly electric bill on the appellant even after the judgement of learned Consumer Grievance Redressal Forum, Ranchi.

**c.**The action of the respondent is not justified in not making necessary correction / rectification in the learned Consumer Grievance Redressal Forum, Ranchi.

**d.**The action of the respondent is also not justified in not giving corrected / rectified bill in terms of paragraph 9.17 of the judgement dt.28.08.2003 as passed by the learned Consumer Grievance Redressal Forum, Ranchi.

**e.**The respondents are not justified to pass impugned order /s dt. 28.07.2012 and 15.012.2012 (by the respondent no. 05 & 02) which are in consonance with the judgement dt. 28.08.2003 passed by the learned Consumer Grievance Redressal Forum, Ranchi specially paragraph 9.17 thereof.

**f.**The direction of the respondents on the appellant to pay a sum of Rs.2,60,805/- towards his outstanding after making necessary correction /rectification in the bill is illegal, invalid and unjustified.

**g.**The impugned order of the respondent is not justified and illegal in directing the petitioner to pay a sum of Rs.2,60,805/- after correction / rectification in the bill when apparently the respondents have only followed the first of the judgement and they have totally failed to follow the further part of the said judgement.

**h.**The impugned order/s are violation of the principles of natural justice, law and equity.

**i.**The impugned orders directing the appellant to pay a sum of Rs.2,60,805/- towards his dues after making correction / rectification in the bill is against the mandate of law, law, equity and good conscience.

**10.** The Memo of Appeal is silent as to how the orders passed by the Respondent Number No-2 and 5 are beyond the directions, observation and orders of the learned CGRF, Ranchi. Mr. Kailash Chandra Jain, the appellant himself, has argued in his case. He has submitted that initially the electricity consumption bill was of Rs. 12,000 per month but all of a sudden it became Rs. 1,25,000. The matter was raised before the learned CGRF Ranchi. A judgement was passed by the learned CGRF Ranchi and several directions were given to the Licensee. Mr. Jain, the appellant has fairly admitted that it is not clear that those directions are complied with by the respondent number 2 and 5 or not.

**11.** To entertain this appeal, the appellant is required under Clause 20 (3) (a) of the Jharkhand State Electricity Regulatory Commission (Guidelines of Establishment, of Forum for Redressal of Grievances of the Consumers Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 to establish that the Orders and Directions of the learned CGRF, Ranchi have not been complied with by the Licensee Jharkhand State Electricity Board and its Officers. I have gone through the Judgement of the learned CGRF, Ranchi passed in Case No-03/2003 on 28.8.2003 as well as the Memo of Appeal of this record thoroughly. There is nothing on record to establish that the Orders and Directions of the learned CGRF, Ranchi have not been complied with by the Licensee Jharkhand State Electricity Board and its Officers.

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

**ORDERED**

that the appeal be and the same is

**DISMISSED**

on contest against the Consumer Appellant Kailash Chandra Jain and in favour of the Licensee Jharkhand State Electricity Board and its Officers, the Respondents.

There shall be no order of cost. The parties shall bear their own cost. Let a copy of this judgement be supplied to the parties.

(Dictated & Corrected by me)

Pronounced by me

( G.K.ROY )

( GOPAL KUMAR ROY )

Electricity Ombudsman : Jharkhand