

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 13th day of June, 2024

**Appeal No. EOJ/03 of 2024**

(Arising out of judgment passed in Case No. 74 of 2019 by the VUSNF, Hazaribag)

1. The Chief Managing Director, Jharkhand Bijli Vitran Nigam Limited,  
through its Chairman, Office at Engineers Building H.E.C. Township,  
P.O. + P.S. Dhurwa, Dist.- Ranchi.
2. The Electrical Executive Engineer, Electric Supply Division,  
Jharkhand Bijli Vitran Nigam Limited, Kuju.
3. The Assistant Electrical Engineer,  
Electric Supply Sub - Division, Kuju. -----Appellants

**Versus**

Hemlata Devi W/O Arbind Singh,

R/O Manua Hesla, P.O. + P.O. - Giddi, Distt.- Ramgarh ----- Respondent

Counsel / Representative

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

On behalf of Respondents : None ( record at the stage of admission )

Cases Referred:

1. 2008(14) SCC 582 State (Nct of Delhi) v/s Ahmad Jaan
2. 2002 (3) SCC 195 Ram Nath Sao @ Ram Nath Sahu & Ors v/s Gobardhan Sao & ors.

**ORDER**

**(1)** The present appeal has arisen out of the Judgement/ Order passed by the learned Vidyut Upbhokta Shikayat Nivaran Forum (hereinafter shall refer on VUSNF), Hazaribag in Case No.74/2019 on 30.9.2022.

**(2)** The appellants (1) The Chief Managing Director, Jharkhand Bijli Vitran Nigam Limited, through its chairman, office at Engineers Building H.E.C. Township, P.O. + P.S. Dhurwa, Dist.- Ranchi. (2) The Electrical Executive Engineer, Electric Supply Division, Jharkhand Bijli Vitran Nigam Limited, Kuju. (3) The Assistant Electrical Engineer, Electric Supply Sub - Division, Kuju have preferred this appeal under 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 against the consumer Hemlata Devi.

**(3)** Reliefs sought for by the appellant in this appeal:

The appellants have preferred this appeal to set aside Order No.94 dated 30.9.2022 passed in Consumer Case No.74/2019 by the learned VUSNF, Hazaribag.

**(4)** Operative portion of impugned Order / Judgement.

The operative portion of the Order of the learned VUSNF, Hazaribag reads that -  
“Respondents are hereby directed to provide new electrical connection to the house of the Petitioner. There will be no order as to cost.”

**(5)** Grounds taken for condonation of delay:

The appellants have admitted that there is a delay of 450 days in filing the instant appeal. An application has been filed on 12.5.2024 for condonation of delay. The following grounds have been taken for condonation of delay.

According to the appellants - The instant appeal is being filed for setting aside Order No.94 dated 30.9.2022 passed by learned Vidyut Upbhokta Shikayat Nivaran Forum, Hazaribag in consumer case No. 74/2019 whereby and whereunder the learned V.U.S.N.F has passed order “that in view of provision envisaged in clause 5.3.3 and 6.10 of the electricity supply code regulation 2015 the respondents are legally bound to establish new electrical connection in the house of the petitioner as prayed for and Respondents can recover the outstanding dues from the industry M/S Maa Chinnamastika Sponge Iron Pvt. Ltd. The appellant has not moved earlier before this Authority against the impugned judgement / order except this Appeal. The appellant has not filed any interlocutory application for the same relief. There is a delay of 450 days approximately in filling the instant appeal and, therefore the present petition is being filed for condoning the delay in filing the present appeal. For filing of this appeal the appellant had to get a certified copy of the required documents and get opinion from their Counsels. The appellant has a good case for the consideration of this Authority. Due to bonafide and sufficient reasons the appellant was not able to file the instant Appeal within the stipulated period of limitation. It is stated and submitted that the appellant has good grounds to support his appeal before the Electricity

Ombudsman and is likely to succeed in this appeal. if the Electricity Ombudsman will not condone the delay in filing the instant appeal, the appellant will suffer irreparable Injury. This appeal is being made bonafide and in the interest of Justice.

**(6)** Condonation of delay refers to the extension of the statutorily prescribed time limit in certain situations. The doctrine of 'Sufficient Cause' for time extension is the same as the condonation of delay. In order to seek condonation of delay, one must show the sufficient cause of delay. The appellant has to satisfy that he had been obstructed by some sufficient cause from filing the appeal within the prescribed time frame.

In the case of **Collector Land Acquisition v/s Most Katiji & Ors reported in (1987) 2 SCC page 107** the Hon'ble Supreme Court have been pleased to lay down some guiding principles to follow while dealing with the issue of condonation of delay. They are as follows :-

1. The Court must ensure that the party has not filed the appeal late, to somehow benefit from late filing. There must be no vested interest in the late filing.
2. Merits of the matter are to be heard only if the Court is satisfied by the sufficient cause and the delay has been condoned. On the refusal of condonation of delay, the appeal stands rejected.
3. The Court doesn't need to take a pedantic approach and examine every detail. That will merely cost more of the Court's and party's time. However, the decision must be in a pragmatic and rational manner.
4. If the situation arises wherein the Court has to choose between the technical considerations and substantial justice. The latter should be chosen, no injustice should be done for a bonafide mistake.

5. The Court should not presume that the delay in filing was deliberate. It must keep an open mind and consider all the reasons for the delay before deciding.

If the appellant does not come with reasonable cause that could be enough to condone the delay, then he is not entitled to be entertained by the Court. The Courts should in no situation, condone the delay of a person who provides false reasons to set aside the bar or limitation. On doing so, the Courts will merely be setting a bad precedent. Liberal interpretation does not mean ignorance of public policy upon which the law of limitation is based. That might defeat the entire purpose and intention behind the law of limitation.

**(7)** The appellants have relied upon an authority of the Hon'ble Apex Court in the case of **Ram Nath Sao @ Ram Nath Sahu & Ors v/s Gobardhan Sao & Ors reported in 2002 (3) SCC 195**. I have gone through the judgement. Their Lordships of Hon'ble Supreme Court at para-13 have been pleased to observe that – “If the explanation does not smack of mala fides or it is not put forth as part of a dilatory strategy, the court must show utmost consideration to the suitor. But when there is reasonable ground to think that the delay was occasioned by the party deliberately to gain time, then the court should lean against acceptance of the explanation. Acceptance of explanation furnished should be the rule and refusal an exception more so when no negligence or inaction or want of bona fide can be imputed to the defaulting party.”

In the instant case, the appellants have failed to justify the delay. Time consuming period of more than one year to obtain a copy of order from the learned VUSNF, Hazaribag and to obtain legal opinions from counsels is not plausible. The order was passed on 30.9.2022. The appellants have not disclosed in their petition about the date of receiving of the impugned order of the learned VUSNF, Hazaribagh and how much time was consumed for seeking legal opinion for the reasons best known to them.

The explanation given by the appellants for delay in filing this appeal has not been properly explained. This Authority of Electricity Ombudsman finds & holds that the appellant has failed to show sufficient justifiable cause for delay. The delay has been caused due to the negligence, inaction and wantonly attitude of the appellants.

**(8)** The appellants have relied upon another authority of the Hon'ble Supreme Court reported in **(2008) 14 SCC 582 in the case of State (Net of Delhi) v/s Ahmed Jaan**. Their Lordships of the Hon'ble Apex Court have been pleased to observe at para 13 that - *"In litigations to which Government is a party, there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected, but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals. The law of limitation is, no doubt, the same for a private citizen and for governmental authorities. Government, like any other litigant must take responsibility for the acts, omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its officers or agents and where the officers were clearly at cross-purposes with it. It was, therefore, held that in assessing what constitutes sufficient cause for purpose of section 5, it might, perhaps, be somewhat unrealistic to exclude from the consideration that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Government decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red-tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have "a little play at the joints". Due recognition of these limitations on governmental functioning- of course, within reasonable limits- is necessary if the judicial approach is not to be rendered unrealistic. It*

*would, perhaps, be unfair and unrealistic to put Government and private parties on the same footing in all respects in such matters. Implicit in the very nature of Governmental functioning is procedural delay incidental to the decision-making process. The delay of over one year was accordingly condoned."*

Now a question popped in my mind as to whether the Electricity Ombudsman has been authorized under These Regulations, 2020 to condone delay for a non-restricted period and entertain an appeal? The present appeal has been preferred to impugn the Judgement / Order passed by the learned Vidyut Upbhokta Shikayat Nivaran Forum(VUSNF), Hazaribag passed in Case No- 74/2019 on **30.9.2022**. The appeal has been filed before this Authority on **20.02.2024** i.e. after the lapse of one year four months twenty days.

The 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 prescribes that –

" Any consumer aggrieved by an order made by the Forum(s) may prefer an appeal/representation against such order to the Electricity Ombudsman within a period of thirty days from the date of the 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.

Provided, further that the Electricity Ombudsman shall entertain no appeal by any consumer, who is required to pay

any amount in terms of an order of the Forum, unless the consumer has deposited in the prescribed manner, at least fifty percent of the amount or furnish such security in respect thereof as ordered by Ombudsman.”

It is very much clear that an Appeal / Representation before the Electricity Ombudsman may be preferred within a period of 30 days from the date of the receipt of order. These Regulations, 2020 provides a discretionary power to the Electricity Ombudsman to entertain an appeal after expiry of 30 days **but not exceeding a maximum period of Sixty days from the date of receipt of the order.**

**(9)** 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 have been formulated by the Jharkhand State Electricity Regulatory Commission, Ranchi in exercise of power conferred on it by Section 181 of the Electricity Act, 2003 read with Section 42 Sub-Sections (5) to (7) of the Act.

The restrictions imposed upon the Electricity Ombudsman are mandatory in nature and are binding upon the Electricity Ombudsman. Clause 15 of These Regulations, 2020 authorises the Electricity Ombudsman to condone delay for a maximum period of 30 days only. These Regulations, 2020 don't empower the Electricity Ombudsman to entertain an appeal after expiry of maximum sixty days from the date of receipt of order.

To my judicial approach, since the provision is mandatory in nature for the Electricity Ombudsman under Regulation - 15 of the J.S.E.R.C. (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020, I am not authorized to condone delay beyond 60 days in total from the date of receipt of the order. The Electricity Ombudsman has got no discretion to allow the petition of appellant to condone delay exceeding a maximum period of 60 days.



**(10).** On the basis of my finding & comments made above, it is therefore

ORDERED

that the appeal be and same is

REJECTED

at the stage of admission itself. There shall be no order of cost. Let a copy of this order be supplied to the parties.

(Dictated & Corrected by me)

Pronounced by me

( G.K.ROY )

( GOPAL KUMAR ROY )

Electricity Ombudsman : Jharkhand