

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

Appeal No. EOJ/06/2012

Dated- 12th September' 2012

M/s Laxmi Ispat Udyog

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Petitioner

Versus

Jharkhand State Electricity Board & others

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Respondents

Present:

Electricity Ombudsman - Shri Arun Kumar Datta

**Counsel for the appellant - Shri N.K. Pasari
Shri Sudhir Kr. Singh**

**Counsel for the respondent - Shri Rajesh Shankar
Shri Abhay Prakash**

O R D E R

1. This is an order on the representation/petition filed on behalf of consumer/petitioner for implementation of the order dated 26.02.2011 in case No. 07/2009 passed by learned Vidyut Upbhokta Shikayat Niwaran Forum (In short to be referred as V.U.S.N.F.) of J.S.E.B., Ranchi. The learned counsels of both the sides have been heard and it has come up today for order.

2. It has been submitted by Shri N.K. Pasari the learned Counsel of the consumer/petitioner that the petitioner has filed this petition for execution of the order dated 26.02.2011 passed in case No. 07/2009 by learned V.U.S.N.F. Ranchi. It has been further submitted by Shri Pasari that the order of the learned V.U.S.N.F. was received by the petitioner on 06.03.2011 and thereafter the petitioner made various representation for compliance of the order of learned

V.U.S.N.F. The J.S.E.B. didn't file any appeal against the order of learned V.U.S.N.F. Therefore it is presumed that the J.S.E.B./respondent has accepted the order passed by V.U.S.N.F. But the consumer/petitioner has failed to get the orders of learned V.U.S.N.F. executed. Therefore the petitioner has filed this application for implementation of the orders of learned V.U.S.N.F. passed on 26.02.2011 in case No. 07/2009. As such it has been prayed on behalf of consumer/petitioner that the petitioner will suffer irreparable loss and injury if the delay in filing this representation is not condoned and aforesaid orders of learned V.U.S.N.F. is not implemented.

3. On the other hand Shri Rajesh Shankar the learned standing Counsel of J.S.E.B./respondent has submitted that Clause 20(3)(b) (Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2011 prescribes the maximum limitation of 60 days for filing representation by any consumer or licensee who is aggrieved with the order of learned V.U.S.N.F. or non implementation of the orders of V.U.S.N.F. by any licensee. In this case the petitioner has filed this petition after one year 4 months and 24 days. Therefore the delay in filing this petition is more than 60 days. As such this petition is not maintainable and therefore it is fit to be rejected.

4. On perusal of the Judgement/Order of learned V.U.S.N.F. it is found that the learned V.U.S.N.F. has passed its Judgement on 26.02.2011 in case No. 07/2009 which was received by the petitioner/consumer on 06.03.2011 and the petitioner/consumer has filed this petition for implementation of the aforesaid order of the learned V.U.S.N.F., Ranchi on 30.07.2012. As such this petition has been filed after one year 4 months and 24 days. Clause 20(3)(b) of

JSERC Regulation (Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2011 prescribes limitation of 30 days and further 30 days on sufficient cause being shown for filing representation by any consumer or any licensee who is aggrieved by the order of learned V.U.S.N.F. or for non implementation of the orders of forum. But in this case this representation/petition has been filed by the petitioner/consumer after delay of one year 4 months and 24 days. Therefore this petition is not maintainable as it is barred by JSERC Regulation under Clause 20(3)(b) (Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2011.

5. In the result this representation petition filed by the petitioner/consumer is rejected.

Let a copy of the Order be served on both the parties.

Sd/-
Electricity Ombudsman