

**BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND-RANCHI**  
**(2<sup>nd</sup> floor, Sainik Market, Main Road, Ranchi – 834001)**

**Present - Nalin Kumar**  
**Electricity Ombudsman**

Dated – Ranchi, the 23rd day of April' 2026

Abhay Kumar Gupta ..... Appellant

Versus

JBVNL & Ors. .... Respondents

Present:

For the appellant - Mr. Sumeet Anand, Adv.

- Mr. A.K.Sinha, Adv.

**ORDER**

1. This is an order on the representation/appeal filed on behalf of consumer/appellant against the order dated 6.06.2025 in case No. 106 of 2023 passed by learned Vidyut Upbhokta Shikayat Niwaran Forum ( In short to be referred as VUSNF) of JBVNL, Hazaribag. Learned counsel for the appellant, Mr. Sumeet Anand has been heard on the point of limitation and condonation of delay of 126 days and it has come up today for order.

2. It has been submitted by Mr. Sumeet Anand, the counsel for the appellant consumer that the appellant has filed the instant appeal/representation against the order dated 6.06.2025 passed in case No. 106 of 2023 by learned VUSNF, Hazaribag. As far as the reason for filing the appeal belatedly i.e. .delay of a period of 126 days is because of the fact

that the appellant was not aware about the law and also his economic condition is not well, so managing necessary expenses for filing the appeal has taken more time and after arranging the fund he made contact to the counsel and thereafter, the instant appeal has been filed.

3. The appellant further submitted that there are no willful latches and negligence on part of the appellant or his counsel and circumstances causing delay of filing the appeal was beyond control.

4. He prayed to condone the delay of 126 days under the aforesaid circumstances and in the interest of justice.

5. On perusal of the Judgement/Order of learned VUSNF, it is found that the learned VUSNF, Hazaribag has passed its judgement on merit on 6/06/2025.

**6. Clause 20 (3) (b) of JSERC Regulation (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 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 VUSNF or for non implementation of the orders of the forum.**

7. Admittedly this appeal has been filed by the appellant/ consumer after delay of 126 days on 10/11/2025 against the impugned order passed on 6/06/2025. It took 126 days in filing this appeal before this Forum whereas the maximum time prescribed for filing appeal is 30 days plus 30 more days on cause being shown, i.e. 60 days.

8. The question whether the period of limitation prescribed under the Electricity Act, 2003 can be condoned applying section 5 of the Limitation Act, 1963 was considered by the Hon'ble Supreme Court in “**Chhattisgarh State Electricity Board vs. Central Electricity Regulatory Commission & Ors., reported in AIR 2010 SC 2061; 2010(5) SCC 23**”; wherein the apex court has held that the Electricity Act, 2003 being a special act within the meaning of Section 29(2) of the Limitation Act, 1963, shall prevail over the general act and after elaborately considering the purpose and intent of the legislature behind enacting this law, has further decided that Section 5 of the Limitation Act, 1963 would not be attracted while considering matters arising out of Electricity Act, 2003.

9. In view of the discussion above, this appeal 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, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020.**

10. In the result this representation/appeal filed by the appellant consumer is **REJECTED.**

Let a copy of this Order be served on the appellant.

Sd/-  
Electricity Ombudsman