

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 22nd day of November, 2024

Appeal No. EOJ/10 of 2024

(Arising out of judgment passed in Case No: CGRF/TSL/01/23 by the Ld. CGRF, Jamshedpur)

Punit Kumar Sharma aged about 64 years S/O Late Baujnath Sharma R/O 136, Sanjay Road, SNP Area, P.O and P.S Sakchi, District East Singhbhum, Jamshedpur-831001, Jharkhand. -----Appellant

Versus.

1. Vikram Sharma S/O Late Dilip Kumar Sharma
2. Anita Sharma D/O Late Dilip Kumar Sharma
3. Anuradha Sharma D/O Late Dilip Kumar Sharma,
All R/O 136, Sanjay Road, SNP Area, P.O and P.S Sakchi, District East Singhbhum,
Jamshedpur-831001, Jharkhand.
4. General Manager, Power Services, M/S Tata Steel Utilities and Services
Infrastructures Ltd. (Formerly JUSCO), Sakchi, Boulevard Road, Northern Town, P.O.
and P.S. - Bistupur, Jamshedpur - 831001 -----Respondents

Counsel/Representative

On behalf of Appellant: Mr. Shio Narayan Singh, Advocate
Mr. Anil Kumar Ganjhu, Advocate
Ms. Priyanka Kumari, Advocate

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

ORDERS

1. The appellant has preferred this Appeal/Representation to impugn the following Orders of the learned Electricity Consumer Grievance Redressal Forum, hereinafter shall be referred as CGRF, Tata Steel Limited, Jamshedpur.

- i) Final Orders passed in CGRF/TSL/01/24 on 13.8.2024 by the learned Forum.
- ii) Order passed in MISC/CGRF/TSL/12/18 on 8.2.2024 by the learned Forum.

The Appellant has filed a single appeal to impugn two different Orders. The prayer of the appellant to pass an order to disconnect the illegal electricity connection obtained by the Respondent No. 1

2. Anamnesis

(i). Shri Punit Kumar Sharma (Appellant) has filed this Appeal against 1. Vikram Sharma, 2. Anita Sharma, 3. Anuradha Sharma and 4. Tata Steel Utilities and Services Infrastructures Ltd.

(ii). There was a case before the Electricity Consumer Grievance Redressal Forum, Jamshedpur having Case No.-CGRF/TSL/02/18 (registered on 5.2.2018) . And the case was disposed of on 16.5.2018. In that very case present appellant Sri Punit Kumar Sharma was not a party.

(iii). The present appellant Sri Punit Kumar Sharma had preferred a “ Review” before the Forum i.e. the learned CGRF, Tata Steel Limited, Jamshedpur on 4.10.2018, though he was not a party to that case. The Review was registered as MISC/ CGRF /TSL/12/18.

(IV). The above MISC. Case was 'DISMISSED' by the learned CGRF, Jamshedpur on **8.2.2024**. The appellant has preferred this Appeal/Representation to impugn Order passed in MISC/CGRF/TSL/12/18 on 8.2.2024 by the learned Forum.

(v). The present appellant Sri Punit Kumar Sharma had preferred a Writ Petition before the Hon'ble High Court of Jharkhand at Ranchi having W.P.(C). No. 3430 of 2023 with a prayer to fill up the vacancies existing in the Forum and also to annul all the orders passed by the Forum during the period when only a single member was present.

(vi). The Hon'ble High Court in above W.P.(C) No. 3430 of 2023 on 15.2.2024 have been pleased to dispose of the Writ Petition with observation and directions.

The operative portion of the order reads as follows:-

“ It has been admitted by the parties that a Forum has now been constituted and the petitioner has filed a fresh application before the Forum after dismissal of the review application. Since the Forum has already been constituted to look into the grievance of the petitioner and **a fresh application has already been filed**, I direct the Consumer Grievance Redressal Forum, Jamshedpur to decide the fresh application filed by the petitioner as per the law after giving opportunity of hearing to all the parties within the time frame, as prescribed in the law.”
(emphasis supplied by bolding)

(vii). The said fresh application of Punit Kumar Sharma, as reflected in above order, was filed on 7.2.2024 before the learned Forum and it was registered as Case No. CGRF/TSL/01/24.

(IX). The Case No. - CGRF /TSL /01/ 24 was dismissed by the learned CGRF, Tata Steel Ltd, Jamshedpur on **13.8.2024**. The appellant has preferred this Appeal / Representation to impugn Final Orders passed in CGRF/TSL/01/24 on 13.8.2024 by the learned Forum.

3. Relief Sought for in this Appeal:

The Appellant has preferred the present Appeal to impugn orders dated **13.08.2024** passed by the Ld. Electricity Consumer Grievance Redressal Forum, Tata Steel, Jamshedpur in CGRF/TSL/01/24 and also to impugn orders dated **8.2.2024** passed Ld. Electricity Consumer Grievance Redressal Forum, Tata Steel, Jamshedpur in MISC/CGRF/TSL12/18. (as per para 1 of the memo of appeal)

But the appellant in Form III of The JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 has sought only one relief before the Ombudsman i.e. **for setting aside the order dated 16.8.2024 passed by CGRF(TSL) at Jamshedpur.**

The appellant in the prayer portion of his memo of appeal has not made any prayer to the Appellate Authority rather has made a prayer to the learned CGRF, Jamshedpur. It appears that it is a slip of copy paste.

The prayer portion reads as follows :

a. Allowing the present complaint and ordering the Respondent No. 2 to disconnect the illegal electricity connection obtained by the Respondent No. 1

and/ or

b. To pass any other order as this Hon'ble Forum may deem fit and necessary in the facts and circumstances of the present case.

4. Office Note, Condonation Petition and Admission Order

The office has submitted two reports for two different orders, passed in two different cases and passed on two different dates i.e. on 8.2.2024 and on 13.8.2024. I have gone through the reports.

It is reported that the order passed in MISC/CGRF/TSL/12/18 on 8.2.2024 has been challenged before this Authority of Electricity Ombudsman after laps of 224 days from order passing date.

It is reported that the order passed in CGRF/TSL/01/24 on 13.8.2024 has been challenged before this Authority of Electricity Ombudsman after laps of 31 days from order passing date.

The order dated 8.2.2024 passed by the learned CGRF/TSL at Jamshedpur in MISC/CGRF/TSL/12/18 is barred by limitation and can not be entertained by this Authority of Electricity Ombudsman in this appeal/ representation.

The Clause 15 of the JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulation, 2020 (hereinafter shall be referred as These 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.”

(emphasis supplied by bolding)

It is very much clear that an Appeal / Representation may be preferred by consumers before the Authority of Electricity Ombudsman within a period of 30 days from the date of the receipt of order. These Regulations, 2020 provides a discretionary power to the Authority of Electricity Ombudsman to entertain an appeal after expiry of 30 days but not exceeding a maximum period of 60 days from the date of receipt of the order.

Moreover, it is apparent from the copy of order dated 8.2.2024 passed in MISC/CGRF/TSL/12/18 (registered on 4.10.2018) that Puneet Kumar Sharma (the present appellant), who had sought review of the order passed on **16.5.2018** in CGRF/TSL/02/18 (registered on 5.2.2018) was not a party in that very case. The case was filed by one Dilip Kumar Sharma, the father of respondents no. 1 to 3 of this appeal against the distribution licensee. And hence the Appellant can not be permitted to impugn the Order dated 8.2.2024 passed by the learned CGRF, Tata Steel Ltd, Jamshedpur in MISC/CGRF/TSL/12/18 before this Authority of Electricity Ombudsman.

The appeal impugning Order passed in MISC/CGRF/TSL/12/18 on 8.2.2024 by the Learned Electricity Consumer Grievance Redressal Forum, Tata Steel Limited, Jamshedpur is hereby *REJECTED* at the stage of admission itself. Let a copy of this Order be served upon the parties to this appeal.

So far the Final Order passed on 13.8.2024 in Case No. CGRF/TSL/01/24 is concerned, it appears to me that the copy of order was communicated to the parties on or after 16.8.2024, as the true copy of order bears copying date 16.8.2024 with signature of the secretary. I find that the instant appeal has been filed well within 60 days after receiving the copy of order.

The appellant has filed a condonation petition to condone the delay of 29 days. It is submitted that the petitioner was suffering from bad health and was advised complete rest from 10th September 2024 to 9th October 2024 as a consequence of which the appeal could not be filed in due course and the delay of 29 days in filing the appeal is bonafide. A copy of the medical certificate has been annexed with this petition. I have heard the learned Counsel for the appellant and gone through the medical certificate. The delay is here by condoned. I have gone through the report of the office and gone through the record. There is no other defect in this appeal.

The appeal impugning Order passed in Case No. CGRF/TSL/01/24 on 13.8.2024 by the Learned Electricity Consumer Grievance Redressal Forum, Tata Steel Limited, Jamshedpur is hereby *ADMITTED* for hearing.

The appellant is directed to file requisites for issuance of notice to the respondents. The office is directed to issue notices to the respondents, with an amended copy of memo of appeal along with annexures, for their appearance, filing counter affidavit and hearing.

The office is further directed to call for the record of Case No. CGRF/TSL/01/24 from the Learned Electricity Consumer Grievance Redressal Forum, Tata Steel Limited, Jamshedpur.

Put up on 12.12.2024 for the appearance of respondents and filing counter affidavits, if any.

(Dictated & Corrected by me)

Pronounced by me

(G. K. ROY)

(GOPAL KUMAR ROY)

Electricity Ombudsman : Jharkhand