

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 23rd day of December, 2024

Appeal No. EOJ/05 of 2024

(Arising out of judgment passed in Case No: 02/2023 by the VUSNF, Chaibasa at Jamshedpur)

Dilip Buildcon Ltd., a company incorporated under the provisions of Companies Act. 1956, having its Registered Office at Plot No. 05, Inside Govind Narayan Singh gate, Kolar Road, Chunabhatti, Bhopal, M.P. through its Authorised Signatory Mr. Alok Singh Son of Arun Kumar Singh aged about 42 years , Resident of Shri Ram Heights, Neeraj Nagar and P.S. Shahpura Town, Bhopal, District : Bhopal (Madhya Pradesh) Authorised vide Authorisation dated 11.5.2024, and shall include its successor, assigns, nominees. -----Appellant

Versus.

1.Jharkhand Bijili Vitran Ltd., through Electrical Superintending Engineer, Electric Supply Circle , Jamshedpur.

2. Jharkhand Bijli Vitran Ltd., through Electrical Executive Engineer, Electric Supply Division, Ghatsila. -----Respondent

Counsel/Representative

On behalf of Appellant: Mr. Amit Sinha, Advocate
Ms. Ratna Prabha, Advocate

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

ORDERS

1. The petitioner Dilip Buildcon Ltd., a company incorporated under the provisions of Companies Act. 1956 has filed this appeal to challenge the order passed by the learned Vidyut Upbhokta Shikayat Nivaran Forum, Chaibasa at Jamshedpur in Case No. 2 of 2023 on 12.4.2024 and for setting aside the demand -cum- disconnection notice dated 4.8.2024 calling upon the consumer to pay amounts towards arrears on ground of defective meter readings & disconnection of the connection on non payment of the demand raised.

It is relevant to mention here that in this appeal several defects had been detected vide order sheet dated 30.5.2024 & 25.7.2024 and the appellant was directed to remove the defects. Several adjournments were given to the appellant to remove defects but the appellant remained indifferent. The order is being passed on the materials available on record.

2. Relevant Facts & Circumstances :

The following facts and circumstances are relevant for consideration to pass an order on admission of appeal.

2.1. The present appeal / representation has been filed by Dilip Buildcon Ltd. but the petitioner is **NOT a CONSUMER** of the Distribution Licensee JBVNL.

2.2. NHAH (National Highway Authority of India) is/was the Consumer of the Licensee having Consumer No. BHG16752.

2.3. It appears from the cause title of Judgement of learned VUSNF, Chaibasa passed in Case No. 7/2023 on 12.4.2024 that the consumer NHAH had filed a complaint before the learned VUSNF Chaibasa at Jamshedpur for redressal of grievances **through Dilip Buildcon Ltd.** BUT the facts apparent from the record of the learned VUSNF Chaibasa are different.

The following facts are apparent from the impugned Judgement passed by the learned Vidyut Upbhokta Shikayat Nivaran Forum, Chaibasa at Jamshedpur in Case No. 07/2023 NHAH vs Electrical Executive Engineer & Jharkhand Bijli Vitran Nigam Limited.

The facts have been observed by the learned Forum and reduced those facts in writing in its judgement at page 4 & 5 (the judgement is neither paged nor paragraphed) of the judgement.

(i) The electricity connection is still in the name of the NHAH (National Highway Authority of India) , but the contractor of NHAH, Dilip Buildcon has filed the case before the learned Forum.

(ii) When asked by the learned Forum about consent of NHAH for filing of Case, Miss Tanya Dikshit appearing for contractor Dilip Buildcon had submitted that the "Consent Letter" will be produced before the learned Forum on the next date of hearing. (Petitioner was directed to file Consent of NHAH on 19.01.2024)

(iii) On 19.01.2024 EEE (Ghatsila) Mr. Raj Kishore appeared on behalf of respondents and had informed that NHAH has no objection in the matter (regarding demand notice) and has made payment of all the outstanding amount.

(iv) On 8.2.2024 the Distribution Licensee had raised an issue before the learned Forum that the petitioner (Dilip Buildcon Ltd.) is not a consumer of the distribution licensee. It was pointed out before the learned Forum that the instant matter pertains to a dispute between NHAI & petitioner, who is a contractor of NHAI, and JBVNL is no more concerned with it. NHAI has never raised a dispute rather accepted the charged amount which was detected, as an error in sequence of phase in CTPT during inspection and paid full amount unconditionally and as on date there is no dues against this connection which is in the name of NHAI.

2.4. NHAI is the consumer of Distribution Licensee and the present petitioner Dilip Buildcon Ltd. is/was the user of electricity.

2.5. The Case 07 /2023 was filed to set aside the Demand Notice 927 / Sr. M (Tech) /ESD/GTS dated 4.8.2023

2.6. The Consumer NHAI paid the total charged amount, as per demand notice, unconditionally i.e. without protest.

2.7. The learned VUSNF Chaibasa at Jamshedpur has dismissed the Case, as infructuous, since charged amount had already been paid by the Consumer (NHAI) unconditionally and there exist no grievance of Consumer and there remain no dispute between NHAI and JBVNL.

2.8. The Dilip Buildcon was not a party in above Case 07 /2023 before the learned VUSNF Chaibasa but the present appeal / representation has been filed by Dilip Buildcon Ltd. in its own capacity.

2.9. The JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) regulations 2020 authorises a Consumer (Clause - 15) to file Appeal / Representation before the Authority of Electricity Ombudsman. Since Dilip Buildcon Ltd. is/was not a consumer

in the electricity connection having Consumer No. BHG 16752, it can not be permitted to file an appeal independently as appellant.

3. In view of the facts, circumstances & legal provisions, the present appeal / representation be and the same is

REJECTED

at the stage of the admission itself on technical grounds. There shall be no order of cost. Let a copy of this order be served to the parties.

(Dictated & Corrected by me)

Pronounced by me

(G. K. ROY)

(GOPAL KUMAR ROY)

Electricity Ombudsman : Jharkhand