

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

Case No. EOJ/21/2011

Dated- 28th November, 2011

M/s Auto Profile Ltd versus J. S. E. B. & others.

ORDER

On 09.11.2011 a representation was filed on behalf of M/s Auto Profile Ltd., through its the Director Shri Ashok Kumar Verma for implementation of the Judgement dated 14.12.2010 passed by Vidyut Upbhokta Shikayat Niwaran Forum (In short to be referred as V.U.S.N.F.) of J.S.E.B., Ranchi on which the learned Counsel of complainant has been heard and it has come up today for order.

It has been submitted by the learned Counsel of the complainant that section 42 (5)(6) of Electricity Act 2003 does not prescribe any period of limitation for filing representation for implementation of the order of either any C.G.R.F. or V.U.S.N.F.. Therefore there cannot be any limitation for filing the representation for implementation of the order of V.U.S.N.F.

But section 181 of the Electricity Act 2003 (r) (s) empowers the state Commission to make regulation for guideline under sub section (5) of section 42 and the time and manner for settlement for grievances under sub section (7) of section 42. In view of aforesaid provision of law the guidelines has been notified by the state Commission. Clause 19(1) of **(Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2005** lays down the limitation of one month from the order of

the forum for filing representation who is aggrieved with the order passed by forum or non-implementation of the orders of the forum. Clause 19(3)(b) further provides for further time of 30 days if sufficient cause has been shown for not filing within 30 days of the receipt of the order.

On perusal of the copy of Judgement which has been filed by the complainant for implementation it is found that the learned V.U.S.N.F. has passed the Judgement on 14.12.2010 in case No. 10/2010. But the complainant has filed this representation on 09.11.2011 for implementation of order after lapse of about eleven months of time. The learned Counsel of the complainant has also informed this forum that he had received the copy of the Judgement of learned V.U.S.N.F. much earlier just after passing of the Judgement dated 14.12.2010 and therefore he has not filed any condonation petition.

Considering the aforesaid facts this case is found to be barred by cause 19(1) and (3) of the (**Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman**) Regulation, 2005 and therefore this representation/complaint cannot lie to this forum and hence it is rejected.

Let a copy of the Order be served to the complainant.

Sd/-
Electricity Ombudsman