

BEFORE THE ELECTRICITY OMBUDSMAN, RANCHI

2nd Floor, Sainik Market, Main Road, Ranchi – 834001

Appeal No. EOJ/02/2025

Dated – 19th February' 2026

M/S Kohinoor Steel (P) Ltd.

..... Appellant

Versus

JBVNL & Ors.

..... Respondents

Present:

Electricity Ombudsman

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Mr. Nalin Kumar

Counsel for the appellant

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Mr. N.K. Pasari

Mr. Gaurav Kaushalesh

ORDER

1. This is an order on the representation/appeal filed on behalf of consumer/appellant against the order dated 30.08.2024 in case No. 04 of 2016 passed by learned Vidyut Upbhokta Shikayat Niwaran Forum (In short to be referred as VUSNF) of JBVNL, Chaibasa at Jamshedpur. Mr. Gaurav Kaushalesh has been heard and it has come up today for order.

2. It has been submitted by Mr. Gaurav Kaushalesh, the counsel for the appellant consumer that the appellant has filed this appeal against the order dated 30.08.2024 passed in case No. 04 of 2016 by learned VUSNF, Chaibasa at Jamshedpur. It has been further submitted by Mr. Gaurav Kaushalesh that the reason for filing the appeal belatedly for a period of 189 days is because of the fact that the appellant had filed a Writ Petition before the Hon'ble High Court of

Jharkhand in W.P. (C) No. 576 of 2025, which came to be disposed of on 3.04.2025, vide order dated 3.04.2025 wherein the Hon'ble High Court has been pleased to dismiss the writ petition vide order dated 03.04.2025 (Annexure 12 of the Memo of Appeal) as not maintainable with a liberty to the appellant to take recourse of the statutory appeal before this Learned Forum, highlighting that after Hon'ble High Court's Order, no delay is caused in approaching this forum.

3. The appellant further submitted that in light of the order dated 03.04.2025 passed by the Hon'ble High Court and being aggrieved of the Impugned Order, the appellant has filed the instant appeal, availing the liberty given by the Hon'ble High Court.

4. He prayed to condone the delay of 189 days in light of the liberty given by Hon'ble Jharkhand High Court.

5. On perusal of the Judgement/Order of learned VUSNF, it is found that the learned VUSNF, Chaibasa has passed its judgement not on merit; rather on the submission of the Complainant Appellant that matter before Hon'ble High Court considering similar issues is pending and therefore the forum disposed off the complaint with the liberty to the petitioner/appellant to move this forum in case issue survives even after decision of the Hon'ble Court.

“Clause 20 (3) (b) of JSERC Regulation (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulation, 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 forum”.

6. Admittedly this representation/appeal has been filed by the appellant/consumer after delay of 189 days. Learned counsel for the appellant relied upon the Judgement of Supreme Court “**Purni Devi & Another vs. Babu Ram & Another 2024 SCC Online SC 482** wherein benefit of Section 14(2) Limitation Act has been granted, which provides for exclusion of the time of proceeding bonafide at forum without jurisdiction while computing the period of limitation. Evidently, the aforesaid judgement has been passed in normal civil dispute matter and is not concerned with the Electricity Act.

7. 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.

8. 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) Regulation, 2020.**

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

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

Dictated & corrected by me

Sd/-
(Nalin Kumar)
Electricity Ombudsman

Sd/-
Electricity Ombudsman