

BEFORE THE ELECTRICITY OMBUDSMAN, RANCHI

2<sup>nd</sup> Floor, Sainik Market, Main Road, Ranchi – 834001

Appeal No. EOJ/05/2025

Dated – 19<sup>th</sup> February' 2026

Madan Prasad Sahu

..... Petitioner

Versus

JBVNL & Ors.

..... Respondents

Present:

Electricity Ombudsman - Sri Nalin Kumar

Representative for the Petitioner - Sri. Ankit Kumar

ORDER

1. This is an order on the representation/petition filed on behalf of consumer/petitioner for implementation of the order dated 30.05.2023 in case No. 94 of 2022 passed by learned Vidyut Upbhokta Shikayat Niwaran Forum ( In short to be referred as VUSNF) of JBVNL, Hazaribag. Mr. Ankit Kumar has been heard and it has come up today for order.

2. It has been submitted by Mr. Ankit Kumar, the representative of the consumer/petitioner that the petitioner has filed this petition for execution of the order dated 30.05.2023 passed in case No. 94 of 2022 by learned VUSNF, Hazaribag. It has been further submitted by Mr. Ankit Kumar that he physically visited JBVNL office Giridih and requested for implementation of the learned

VUSNF order by returning the security deposit via letter dated 06.07.23 which was duly received by the respondent's office.

3. During the next visit to the JBVNL office, he was told by then General Manager, Sub-Divisional Officer (SDO), and Executive Engineer – that the office lacked sufficient funds and that a requisition had been sent to the Head Office at Ranchi. He was advised that the refund process would take 4 to 6 months. Trusting the words of the officials, he waited patiently.

4. Upon his subsequent visit after the stipulated period, he found that earlier official had been transferred or replaced, and the newly posted staff again informed him that he should wait for another 4 to 6 months, as the funds were still awaited from Ranchi.

5. This pattern repeated over multiple visits, where each time he was assured that the refund would be processed soon. Believing in these repeated verbal assurances and with faith in public utility complying with the lawful directions of VUSNF, he refrained from initiating further legal steps.

6. It was only after prolonged delay and continued false assurances that he finally realized that the order of the Forum was not being implemented in good faith, and thus, he was compelled to approach this Court for redressal.

7. He further submitted that the delay was neither intentional nor deliberate, but solely due to the bonafide belief instilled in him by the repeated verbal assurances of JBVNL officials. He being a law-abiding citizen with limited knowledge of legal procedures relied in good faith on the words of the authorities.

8. He prayed to condone the delay of 544 days in the interest of justice, equity and fairness

9. On perusal of the Judgement/Order of learned VUSNF, it is found that the learned VUSNF, Hazaribag has passed its Judgement on 30.05.2023 in case no. 94 of 2022 and the petitioner/consumer has filed this petition/representation after 544 days.

**“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”.**

10. 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 & Others reported in AIR 2010 SC 2061; 2010(5) SCC23** wherein the apex court held that the Electricity Act, 2003 being a special act within the meaning of Sec. 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 been further decided that Section 5 of the Limitation Act, 1963 would not be attracted while considering matter arising out of Electricity Act, 2003.

11. In this case this representation/petition has been filed by the petitioner/consumer after delay of 544 days and Section 5 of the Limitation Act 1963 being not available for condoning the delay; therefore this petition 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.

12. In the result this representation petition filed by the petitioner/consumer is REJECTED.

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

Sd/-  
Electricity Ombudsman

Dictated & corrected by me

Sd/-  
(Nalin Kumar)  
Electricity Ombudsman