

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

Case no. EOJ/01/2007

Dated- 06-Feb-2007

Electrical Superintending Engineer
Jamshedpur

Vrs.

Sr. Electrical Inspector
Energy Dept. Jharkhand
Ranchi

Present:

Mr. Sarju Prasad

Electricity Ombudsman

Mr. P.K. Sinha

For the petitioner

Mr. Agam Prasad

Asst. Electrical Inspector

For the respondent.

ORDER

The brief fact of the case is that M/s Bharat Rubber Generating Co. Ltd. Gamharia, Jamshedpur is a consumer of electricity under the consumer No. HJ/AP-44 Gamharia Jamshedpur under JSEB (erstwhile BSEB). It so happened that on 20/08/99 the premises of the M/s Bharat Rubber Generating Co. Ltd. was inspected by the officials of the Board and the metering unit test report was prepared by the officials and meter was found to be defective. The meter was removed on 10/03/2000. The consumer's company M/s Bharat Rubber Generating Co. Ltd. went on paying monthly bills raised by the officials of the Board for the period from 24/08/99 to 10/03/2000 on the basis of reading recorded in so called defective meter. The meter was sent to National Physical Laboratory, New Delhi, for testing. After receipt of the report they informed that the said meter is running slow by 33%. The consumer company was served with a revised average bills for the period from 24/08/99 to 10/03/2000 which was challenged by the consumer company M/s Bharat Rubber Generating Co. Ltd. by filing a writ petition bearing no. CWJC 922/2001. The aforesaid writ petition was disposed off by order delivered on 29/09/2002 in which it has been held that under the provision of Section 26 (6), the Electrical Inspector is the authority to determine whether any meter is correct or not and he has been vested with power to estimate the amount of the energy supplied to the consumer or the electrical


quantity contained in the supply during such time. Therefore, the writ petition was disposed off with direction to the parties to appeal before the Electrical Inspector

within 30 days from the date of the order under Section 26(6) of the Indian Electricity Act, 1910 and Electricity Inspector was directed to determine the liability after giving opportunity of hearing to the parties. The aforesaid order was delivered on 29/10/2002 but neither party applied to the Electricity Inspector within the period of 30 days. However, the Electrical Superintending Engineer, Jamshedpur sent an application to the Senior Electrical Inspector, Ranchi on 04/11/2004 in accordance with the order of the Hon'ble High Court, Jharkhand, Ranchi passed in CWJC no. 922/2001. The aforesaid representation filed by the Electrical Superintending Engineer, Jamshedpur has been sent to this Forum by a letter dated 17/01/2007 by the Senior Electrical Inspector, Ranchi. It is crystal clear that from the order of the writ application as well as according to the provision of Section 26(6) of the Indian Electricity Act, 1910 which was applicable at that time, the Electrical Inspector is the authority to decide whether the meter was defective or not and also to assess the amount of the Electricity supplied or quantity of supply of electricity during that period. Therefore, the Electrical Inspector instead of deciding the matter as per the provision of law sent the representation filed by the Electrical Superintending Engineer, Jamshedpur to this Forum. This shows that he is shirking his own duty. Therefore, the matter is returned back to the Senior Electrical Inspector, Ranchi who after giving the notice to the parties should decide whether the meter in question was defective or not and if so the quantity of electricity supplied during the period in question as early as possible.

With the above observations the petition is disposed of.

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Electricity Ombudsman


Office Superintendent
Electricity Ombudsman
Jharkhand, Ranchi