

BEFORE THE ELECTRICITY OMBUDSMAN, JHARHAND
(4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001)

R A N C H I

Present- Prem Prakash Pandey
Electricity Ombudsman

Case No. EOJ/07/2016

Ranchi, dated ,25th day of April 2017

Sunil Dalmia, Dalmia House, Jasidih, District- Deoghar, Postal Address- C/o Bihar Solvent Extraction Co, Shahid Ashram Road, B- Deoghar-814112, District - Deoghar (Jharkhand), Appellant

Versus

The Jharkhand State Electricity Board (now known as Jharkhand Urja Vikas Nigam Limited) through its Law Officer, namely- Mithilesh Kumar, S/o- Sri. R. B. Choudhary, R/o- Kusai Colony, P.O. & P.S.- Doranda, District- Ranchi
..... Respondent(s)

For the Appellant:-

Sri. Vijay Kant Jha (Representative)

For the Respondent :-

Sri. Rahul Kumar (Standing Counsel)

Sri. Prabhat Singh (Additional Counsel)

[Arising out of Judgment and order dated 16/07/2016, passed in complaint case no. 04 of 2015 by the Learned C.G.R.F., Dumka]

J U D G E M E N T

1. The instant appeal is directed against the impugned judgment and order dated 16/07/2016, passed in complaint case no. 04 of 2015, by the Learned Consumer Grievance Redressal Forum, here in after called, C.G.R.F. Dumka, whereby and whereunder, the learned forum has dismissed the case of the Appellant.

2. The appellant's case, in brief, as contained in complaint petition as well as in memo of appeal, is that he is bona fide electric consumer vide Consumer No. JH/CS-6747- M/s Bihar Solvent, Deoghar. Further case of the appellant is that respondent was supplying him electricity since long till 11.12.14 but, suddenly, on 11.12.14, five or six persons of JSEB, under the leadership of Baikunth Das, J.E., came to the premises of the appellant and found that his electric meter was properly sealed and in working condition but they disconnected his electric line, though no notice was ever served to him for statutory period. They took away the electric meter installed in his premises along with about 100 yards electric wire. No receipt was given to him nor he was allowed to note the reading of the meter. He protested the act of five or six officers of JSEB through his letter dated 11.12.2014, addressed to the Electrical Superintending Engineer, Deoghar, supply circle, and also requested that he is ready to pay all legal demands, if any, since no electric bill is pending for payment against him (Annexure-6). Whereupon Electrical Executive Engineer, Electric Supply Division, Deoghar issued a provisional bill for Rs. 1,51,649 for 16246 units including Rs-620 as arrear, for Nov. 2014 vide his letter no.41, dated 08.01.2015(Annexure 1) in connection with the letter 118/7306/2014 dated 15-12-14, of the Appellant. Further case of the Appellant is that in the above bill, it is not mentioned, for how many units consumption, at what rate and for which period?. In spite of that Appellant has paid RCDC charges Rs 60/- on 15.12.2014 vide money receipt no 169768 and also Rs 38000/- by cheque vide money receipt no. 170219 dated 15.12.14,(Annex-7,8,9&10) . Thereafter, his electric connection was restored. Balance Rs. 1,13,649/- was paid by him vide MR No. 190176 dt 06.01.2015, making total full payment of above bill of Rs. 1,51,649/ + Rs. 60/ as RCDC charges. In reply to his above letter, dated 15.12.14, the

Electrical Executive Engineer , Electric Supply Division Deoghar informed him regarding details of aforesaid bill vide his letter no. 41 dated 08.01.2015(Annexure-1). The further case of the Appellant is that from perusal of the aforesaid letter, it was found that aforesaid bill for Rs. 1,51,649/- was based on wrong footing therefore, it is illegal and excessive as no sum is recoverable from any consumer for more than two years from the date when such sum first become due as per sec. 56(2) of The Electricity Act, 2003. As such, no amount was payable by him to the Board prior to Nov. 2012. It is further alleged that regarding arrear dues of Rs. 620/- is concerned, it was totally unwarranted and fictitious because after payment of Rs. 1775 through D.D dt 28.06.2007 by him, which was full payment of bill for the month of June 2001, no bill for Rs 620 was ever raised by JSEB hence Rs 620 added in the aforesaid bill for Rs. 1,51,649/- is totally wrong, illegal & arbitrary, thus not payable.

3. Further case of the Appellant is that a portion of aforesaid bill for Rs 1,51,649/ was for 16244 units, alleged to be consumed during the period of Oct. 2012 to Nov. 2014 i.e. for 26 months but bill for more than 24 months can't be raised. Moreover, these 16244 units have been charged @ 625 units per month, based on wrong & unsubstantiated reading of 16246 units of meter, which was taken away on 11.12.14 because it is not correct and legal since the reading of above unit of the meter was not shown to the Appellant as such, it was totally wrong , fictitious , manipulated & excessive. Therefore, the aforesaid bill for month from Oct 2012 to Nov.2014 (should be only for 24 months & not 26 months) should be charged at the rate of 77 units per month, as charged earlier from 7/2001 to 9/2012 in the aforesaid bill. Further case of the Appellant that he came to know through the letter dated 8.1.2015 of Electrical Executive Engineer that

his electric connection was disconnected after July 2001 but it is not a fact rather the JSEB has been regularly supplying him electricity since nineteen eighties, till 11.12.15 & accordingly electricity meter was installed in his premises & was regularly in working condition.

4. Further case of the Appellant is that on or about 29.09.2012, instead of old meter, new electronic meter was installed in his premises, which would have not been installed, if his electric line was disconnected. The Appellant had sent letters to the JSEB under RTI Act, which have not been replied as yet. The further case of the Appellant is that new digital meter was replaced on the request of the Appellant vide letter dated. 17.05.2008 to AEE, JSEB Deoghar & vide letter dated 04.08.2008 sent through speed post, whereupon officers of JSEB has replaced the meter with new digital meter on 29.09.2008. Meter replacement report was prepared on same day, duly signed by officers of JSEB and his representative. Thus, on the basis of aforesaid ground, Appellant sought relief to set aside aforesaid bill and passed necessary order and refund the Rs. 1,51,649/ + Rs. 60/- as RCDC charges realized by JSEB from him or a part thereof & also interest @ prime lending rate of RBI, according to Sec. 154(6) of Electricity Act and also penal action should be taken against concerned officers of JSEB and he is also entitled to be compensated for disconnection of his line without notice, causing mental trouble and agony, alongwith cost and legal expenses and also other relief as is considered proper and fit.

5. Respondent JSEB appeared before the Learned Forum and filed counter affidavit stating therein, that appellant /objector, consumer is chronic defaulter in payment of electrical energy bill since long. The electric line of the premises of the Appellant was disconnected. Even in disconnection, the Appellant, in connivance & collusion of some private technician, managed

his line connected without making any sort of payment. Not only this, when the dues of the consumer went more than 2 lacs, he managed to replace his old meter with new meter on 29.09.2012, without submitting earlier meter reading therein. Even this time, meter replacing had not been reported to the billing section in connivance & collusion, only with view to put wrongful loss to the respondent. As matter of fact, the Appellant was availing electric energy by committing theft of the electric energy for 11 years, without prior permission and information to the Respondent. Even the Appellant has deposited bill, dated- 11.07.2001, on 28.06.2007 of Rs. 1775/- which was for the period earlier to disconnection of his electric line, without sanction, which shows malafides.

6. The further case of the Respondent is that the theft of electric energy was detected, when flying squad team (Joint) inspected the premises of the appellant on 11.12.14. At that time, meter reading from 29.09.2012 to 11.12.2014 was 16246 units and on the written request of the Appellant for reconnection of electric line, a provisional bill from the period of this disconnection in 2001 till 2014 @ 77 units per month was issued. Subsequently a team of JBVNL, i.e. APT passed an order/direction that the consumer(Appellant) be charged @ 606 units per month, being average on the basis of the period from recommendation in the year 2014 and onwards, and accordingly, an additional demand bill of Rs. 2,42,674.71/- was charged. There is nothing illegal. The Appellant committed electricity theft from 2001 to 2014, therefore the Appellant is liable to be prosecuted for the same.

7. The further case of Respondent is that one N.L.Jajware had sent letter to EEE, though, it ought to have been sent by the Appellant himself and it should have been sent to AEE. Besides, at that time, Appellant electric consumer no. JH/CS6747 was no more consumer since disconnection of line

of his premises, therefore, a question of enhancement of load does not arise. The letter of the then EEE does not confirm that electric line of the Appellant was not disconnected. The same is only direction to file the application to the AEE, who was competent authority for load enhancement. Hence the Appellant's case is not maintainable and fit to be dismissed.

8. On the basis of the aforesaid pleadings of the parties, the Learned Forum has framed following points for adjudication of the case:

I. Whether the application of the applicant is maintainable?

II. Whether the line of the applicant being consumer no. JH/CS6747 was disconnected in the year 2001?

III. Whether the bill for Rs. 1,51,649/ is liable to be set aside?

IV. Whether the applicant is entitled for recovery of Rs. 1,51,649/ or any part ,from J.S.E.B. (now JVBNL)?

V. Whether the officers of the J.S.E.B. are liable to punishment?

VI. To what relief, if any, is the applicant entitled?

9. The Learned Forum, after hearing the parties and on perusal of the whole material available on the record, found that the case of the Appellant was not maintainable and the entire points decided against the Appellant and accordingly, the case of the appellant has been dismissed.

10. Assailing the impugned judgement and order, it has been contended by the Learned Representative for the Appellant that Learned CGRF did not meticulously consider the fact on the record in proper perspective and has erred gravely in coming to the finding of the dismiss the case. The learned representative further submitted that Learned Forum passed illegal finding upon the facts of the case and reasons assigned by them is totally wrong and illegal. It has further been submitted that the impugned order is bad under the law and facts and is without the application of judicious mind. The

Learned Forum erred in disallowing his claim for refund of excess money realized through bill for the month of Nov. 2014, without considering the provisions laid down in the tariff and further failed to consider the procedure of the tariff, in case of dispute of meter. No valid and reasonable ground has been given for rejecting his claim. It has further been submitted that Learned CGRF has failed to appreciate Appellant's contention that no bill was pending for payment on the date of illegal disconnection of his line on 11.12.14. By disconnecting electric line, JSEB harassed the Appellant by putting him in dark for several days. The Learned Forum further failed to properly consider the letter dated 08.01.2015 of JSEB, in which, JSEB accepted that new meter was changed on 29.09.12 and reading was 0002KWH, meaning thereby, the line of the Appellant was continuing and they were aware of this fact, otherwise, instead of replacing new meter, they would have taken action against the Appellant for consuming electricity, as according to JSEB, his line was disconnected on July 2001. As such, there is no doubt that his meter was replaced by the officers of JSEB. It has further been submitted that as no document has been brought on the record, in this regard, by the JSEB. Learned Forum has also erred in passing impugned Judgement and Order that the electric line of the Appellant was disconnected in July 2001. This view of the Learned Forum is totally based on presumption, as no document has been given. The learned representative of the Appellant has given much emphasis and submitted that most surprising and unbelievable thing is that **no date of disconnection has been mentioned in the impugned Judgement & Order of the Learned Forum or any paper of JSEB. The Learned Forum also failed to consider the legal procedure of seven days of legal notice (Red Card) is to be issued before disconnection of line.** JSEB also does not say that before

disconnecting his line in July 2001, on which date seven days legal notice was issued. Actually, no seven days notice was ever served upon the Appellant for disconnection either in July 2001 and on 11.12.14 nor any paper in the present case has been filed by the JSEB. As matter of the fact, the electric line of the Appellant was never disconnected in July 2001. It is further submitted that bill no. 470 dated 11.07.2001 for Rs. 1775/- must have been payable within 15 days i.e. by 27.7.2001 meaning thereby, if JSEB issued 7 days notice on 27.7.2001, due date of 7 days notice will mature on 3.8.2001. Hence, in no case, his line would have been disconnected in July 2001; rather, it is only afterthought of the officers of JSEB that electric line was disconnected in July 2001. It has further been submitted that the Learned Forum erred in passing impugned order without applying their judicious mind, observing that the Appellant consumed electricity by theft, which is totally based on presumption and not on any valid documents. JSEB is blowing hot & cold at the same time. On the one hand JSEB is saying that his line was disconnected on July 2001 without mentioning any date till 11.12.14 and on the other hand JSEB is depending on the meter reading in his premises from 29.9.12(the date on which new meter was installed) till 11.12.14. Before 11.12.14 JSEB has taken average, thus, how bill was raised on such meter, when the line was disconnected on July 2001. According to Section 56(2) of the Electricity Act, no bill can be raised for more than 24 months in past. On this score the Learned Forum has totally failed to appreciate both law and facts. Therefore, dismissal of the case of the Appellant under Section 56(1) and (11) of the Electricity Act, by the learned forum is baseless and without applying their judicious mind. Therefore the impugned Judgement and Order is liable to be set aside and

Appellant is entitled to get excess realization of money from the Respondent.

9. Refuting the contentions advanced on behalf of the Appellant, it has been submitted by Learned Additional Counsel for the Respondent that there is no legal infirmity in the impugned Judgement and order, rather the Learned Forum has categorically discussed the entire facts, available on the records and held that electric line of the Appellant was disconnected in the month of July, due to non payment of arrears of electric bill. The Learned counsel has admitted that Learned Forum has not mentioned the date of disconnection of the year 2001 in the impugned Judgement, though on behalf of Respondent, a list of documents was filed before the Learned Forum, before passing the impugned Judgement, the said document has been numbered as page no 218,219,220. In page no. 220 consumers disconnection statement is being shown, in which, name of 4 members have been shown. Out of them, the name of the Appellant is being shown in serial no 3, against whom, date of disconnection of electric line has been mentioned as 1.7.2001 and arrear of bill is shown as Rs. 1774.60, thus, as per this document, it is well proved that electric line of the Appellant was disconnected due to nonpayment of arrear of bill on 1.7.2001. So, it cannot be said by the Appellant at this stage that date of disconnection of line has not been proved by the Respondent nor any document has been brought on the record. The Learned Additional Counsel has further submitted that it is admitted fact that the appellant was bonafide consumer of the Respondent till 30 June 2001 and thereafter his line was disconnected on 1.7.22001 for nonpayment of electric dues, which remained disconnected till Nov. 2014. The inspecting team of the Respondent inspected the premises of the Appellant on 11.12.14 and found that Appellant was utilizing electricity in his premises without

sanction, thus Respondent have got statutory power to inspect any premises, where exists any suspicion with regard to committing theft of electricity, therefore, the authority of the Respondent have committed no wrong, if the premises has been inspected. It has further been submitted that the Appellant has made an application for reconnection of electric line and thereupon provisional bill was served upon him, which subsequently had been paid by him in installment. It is after payment of one installment towards energy bill, electric line was restored. The bill amounting to Rs. 1,51,649.60 was provisional bill, in which, Appellant has been charged for 77 units per month from July 2001 to sep. 2012 and thereafter on the basis of meter recording but the said provisional bill was rectified by the Chief Engineer and accordingly, the Appellant was charged on the basis of 605 units per month. It is totally denied by the Respondent that meter in the premises of the Appellant was replaced by the authorities of the Respondent, as per rules, on 29.9.12. The Appellant is not entitled for refund of any such claims. Appellant had never submitted any application for enhancement of load before the authorities of the Respondent.

10. The Learned Additional Counsel for the Respondent has further submitted that the Appellant has paid the energy bill from Feb 2001 to June 2001 on 28.7.2007 under **one time settlement scheme. But**, Appellant had been utilizing electricity energy, without taking permission, from the Respondent in disconnected period. Learned counsel further submitted that there arises no question of charging to the appellant on the basis of meter reading as his electric line was disconnected since July 2001. So far installation of meter in the year 2005 is concerned, it can be said that appellant has installed meter on his own level, without informing and taking permission to the Respondent, so, he cannot claim to be charged on the basis

of meter, with which, Respondent has got no concern. Moreover, reconnecting electric connection through a private electrician is not a valid and legal reconnection and, as matter of fact, it comes within the purview of theft of electric energy. However, the Respondent has taken a liberal action in the matter of the Appellant. If the Respondent would have followed the provision under the Electricity Act and Supply Code Regulation in toto, the appellant would have been required to pay more than, what has been asked to pay. Thus, there are absolutely no infirmities in the impugned judgment and order passed by the learned Forum and the same requires no interference by this forum.

11. It will admit of no doubt that Appellant was bonafide consumer of the Respondent, bearing consumer no. JH/CS6747.till 30th June 2001. It is admitted fact that prior to Feb. 2001, there was no dues against the Appellant or Appellant was ever defaulter in payment of electricity dues but since Feb. 2001 to June 2001; arrear of electricity dues was not paid by the appellant, within statutory period. It is alleged by the appellant that no electric bill was issued during this periods, therefore, he could not be able to deposit the same rather he received electric bill no 470 dated 11.07.2001(Annexure-2) in the month of July 2001, in which, due date was given 24.07.2001 and accordingly he deposited the said bill to avoid any confusion through DD of Rs. 1775/- dated 28.06.2007 of SBI AGRMKT yard, Baijnathpur, Deoghar branch. As per Respondent, it is admitted fact that aforesaid arrear of bill of Rs 1775/- was being paid by the appellant in the **year 2007**, after a long gap, (under one time settlement scheme). It is further submitted on behalf of the respondent that with regard to one time settlement scheme, office order no. 830 dated 14.5.2007 was issued by JSEB and in this respect, a separate letter was issued to the defaulters, including the appellant, then appellant has

deposited the aforesaid amount. In this one time settlement scheme, it is mentioned (Annex-2) that it will also be applicable for those consumers, against whom certificate cases have been filed by the Board and cases are lying pending. It is further mentioned in that letter, a petition to the effect to the consumer will make payment under one time settlement scheme and Board will waive DPS as per provisions in the scheme. It is also mentioned in para 2 that such private consumers, whose dues stand 20 thousand or less, after settlement under one time settlement scheme, may deposit in installment in cash and agreement to the effect will be executed between the consumer and the Board. It is contended on behalf of the Respondent that after depositing arrear of bill under one time settlement scheme, no application has ever been given by the appellant for restoration of his electric line. Thus, it is admitted fact as per document, produced by the Respondent that electric line of the appellant was disconnected on 1 July 2001. Admittedly, the arrear of bill is being paid by the appellant in 2007 under one time settlement scheme, which clearly goes to show that there was no legal and valid electric connection in the premises of the Appellant since 01-07-2001. It is admitted fact that after the aforesaid bill, no other bill was to be paid by appellant, as no bill was ever issued. Undoubtedly, appellant was utilizing electric line since July 2001 to 11.12.15 without payment of electric bill. This fact clearly goes to show that there was huge amount of arrear of electric bill against the appellant but appellant has never taken any pain to inquire about non issuance of electricity bill nor he had ever filled any petition under R.T.I. Act. It is alleged by the appellant that no bill was ever issued hence he could not deposit the same, thus, it was fault on part of respondent for which he can't be charged. On another hand, it is alleged by the respondent that there was no valid electric connection of electric line in

the premises of the appellant hence no bill was issued. It is very surprising fact that a person, who claims to be bonafide electric consumer, utilizing electric line, more than 11 years, without payment of electricity bill, is not digestive. If Respondent was not issuing bill then it was the duty of the appellant to inquire the matter but he never inquired because he had knowledge that he was utilizing electric energy without restoration of electric line with collusion of some interested person.

12. It is also admitted fact that a team of flying squad had inspected the premises of the appellant and carried away the meter and wire of 100 yards. It is a case of the appellant that his electric line was never disconnected and that is the reason that his meter was changed by JSEB officials on 29.09.2012. To prove this fact, the appellant has brought meter replacement slip (Annexure -11). On its perusal, it transpires that in this slip reading of old meter has not been mentioned. Undoubtedly if same was replaced by JSEB officials, naturally they had mentioned the meter reading. Apart from that, it has not been submitted by the appellant as to whether he has applied for change of meter or the meter was replaced suo moto by the JSEB. The replacement of meter by the JSEB officials has been strongly opposed by the Respondent and further submitted that if, it was installed by JSEB, testing fee could also had been taken from the appellant's for testing meter in the MRT lab but it is surprising that no testing fee has been filed by the appellant. Therefore, the meter replacement by JSEB officials, as alleged by the appellant, comes under the circle of suspicion.

13. The learned representative of the appellant has given much emphasis towards the date of disconnection of electric line in the month of jult, 2001 and submitted that the electric line of the appellant was never disconnected. It is relevant to mention, at very outset that there is documentary evidence at

page no. 218 on lower record of forum, which clearly goes to show that electric line of the Appellant was disconnected on 1.7.2001 due to nonpayment of dues. In the said paper (pg no 218) electric line of Prem Kishore Thakur was also disconnected on 30.07.2001, electric line of Saroj Fan Industry & Girdhari Prasad Raut was also disconnected on 31.07.2001, respectively. Thus, it is well proved by this document that the electric line of the Appellant ,along with others, in their respective dates, was disconnected on 01.07.2001, for which no step was ever taken by the appellant for restoration of the same, rather to legalize his illegal connection, filed several applications, time to time to some officers of JSEB for installation of meter as well as install of digital meter and also enhancing load as well as said consumer should be domestic connection and not commercial supply, for the purposes of billing on 28th December 2014(Annex1 page2). All these application had not been filed before the competent authorities of JSEB. These papers have been knowingly and deliberately prepared by the Appellant, only to show himself to be a bonafide consumer.

14. Having considered the entire facts and circumstances of the case, as discussed above, and having gone thoroughly the impugned Judgement of the Learned Forum, I do find that Appellant was never bonafide consumer since 1st,July, 2001 and Appellant was consuming electric energy continuing, without restoration of electric line through JSEB. Further, I find and hold that Learned Forum has categorically considered the entire materials, including annexures, of both sides, on record in proper perspective and has rightly come to the conclusion that the electric line of the Appellant bearing Consumer No. JH/CS6747 was disconnected on July, 2001 and further Learned Forum has clearly discussed the provisions of Electricity Act. The Learned Forum held that Section 56 of the Electricity Act provides

for those consumer to whom electricity is legally supplied and the JSEB authorities failed to issue bill ,according to Section 56 of the Electricity Act but the case in hand, Appellant was found committing theft of electric energy and in the opinion of Forum, after request letter by the Appellant for reconnection and payment of dues, the JSEB authorities, in place of lodging FIR against the Appellant, decided to issue bill for the entire period from July 2001, after disconnection, till 11.12.2014 and after part payment of Rs.38000 and Rs.60/ his connection was restored. It is further opined by the Learned Forum, as such bill has been issued on the request of the Appellant and in lieu of lodging FIR, in their opinion, the bill cannot be tested on the test of Section 56 of the Electricity Act, 2003. Therefore the learned forum held that the said bill is not illegal and cannot be set aside and, as such, the Appellant is not entitled to refund of any amount deposited by him.

15. At this juncture I would like to mention the Case Law M/s Shiv Shakti Cement Industries Vrs. JUVNL & Ors. in LPA No. 665/2015 decided on 4 April 2016, in which, the Hon'ble Court laid down the principle of law.

“It has been held by the division bench of this court in the case of M/s Tata steel Ltd v. Jharkhand state electricity Board & ors reported in 2008(1)JCR 149(jhr) in paragraphs 8 ,9 and 10 as under:-after going through the impugned judgment, the decision of Delhi High Court,ie.AIR1987 Delhi 219 and after having the parties, we are of the view that when the consumer consumes electrical energy, he becomes liable to pay the charges for such consumption but, thereafter, when the Board raises the bill as per the tariff, making specific demand from the consumers for the payment of the amount for the consumption of electric energy then only amount becomes”first due “ for payment of such consumption of electric energy.....In view of the above finding, we further hold that the period of two years as mentioned in

Section 56(2) of the Electricity act, 2003, would run from the date which such demand is made by the Board, raising the bills against consumption of electric energy.....We have perused the judgment delivered by the Hon'ble Bomay High court, which is annexure 13 .It appears that the way in which we have interpreted Section 56(1) and (2) have not been highlighted at all in this decision i.e. Section 56(1) of the Act of 2003 provides one more methodology of recovery of electricity dues over and above other remedies like a suit etc, for which limitation is prescribed under Section 56(2). Thus, Section 56(2) and the limitation mentioned therein are applicable only for this special mode of recovery enumerated under Section 56(1), Additional mode of recovery provided under Section 56(1) is disconnection of electricity. This should be done within two years from the date on which the amount is found due and payable. Merely because, there is 56(2) and period of limitation is two years for applying special mode of recovery i.e. disconnection of electricity, that does not mean that the respondents-Board cannot raise the electricity bills if any error was committed or mistake was committed earlier. In such type of cases, limitation will run as per Section 17(1) of the Limitation Act, 1963 and such other sections. In short, Section 56(2) never restricts other modes of recovery by the respondents, but it restricts only one type of recovery i.e. 'disconnection of the electricity and the recovery of dues by this methodology. Even otherwise also, the judgement delivered by Division Bench of this Court is binding.”

16. The Learned Forum has also decided that the act of JSEB officials is not illegal. The Learned Forum also held that a complaint case filed before the Forum is not maintainable in the eye of law and is liable to be dismissed on that very score alone and lastly it is held by the Forum that a bill of Rs.

151649/- is not liable to set aside and further the Appellant is not entitled to recovery of any amount.

17. Thus, taking into the consideration of entire facts including annexures filed by the parties, on the record, I find and hold that Learned Forum has meticulously considered the entire facts and there is no illegality and infirmity in the impugned Judgement and Order of the Learned Forum.

18. In the result, there is no merit in the appeal and accordingly, it is hereby, dismissed

Dictated to the confidential Assistant, transcribed and typed by him, corrected and signed by me.

Ranchi, Dated -25th, April, 2017

Sd/-
Prem Prakash Pandey
Electricity Ombudsman