

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

Present- Prem Prakash Pandey
Electricity Ombudsman

Case No. EOJ/11/2016

Ranchi, dated 02 day of May, 2017

Sainik Kalyan Nideshalaya, Home Department, Government of Jharkhand through its Estate Manager, Major (Retd.) Ramayan Singh, S/o- Late Saryu Singh working at Dr. Rajendra Prasad Jawan Bhawan- cum- Sainik Bazaar, 5 Main Road, P.O.- G.P.O., P.S.- Hindpiri, District- Ranchi (Jharkhand) ...

Appellant

Versus

1. Jharkhand Urja Vikas Nigam Limited having its office at Engineers Building, HEC, Dhurwa, Ranchi through its Chairman
2. General Manager-cum- Chief Engineer, Ranchi Electric Supply, Ranchi (Jharkhand)
3. Electrical Superintending Engineer, Ranchi Electric Supply Circle, Ranchi (Jharkhand)
4. Electrical Executive Engineer (C & R), Ranchi Electric Supply Circle, Ranchi (Jharkhand)

..... Respondent(s)

For the Appellant: -

Sri. N.K.Pasari, Advocate

Smt. Ranjana Mukherjee, Advocate

For the Respondent: -

Sri. Rahul Kumar (Standing Counsel)

Sri. Prabhat Singh (Additional Counsel)

(Arising out of Judgement and order dated 19/09/2016, passed in complaint case no. 11 of 2015 by the Learned V.U.S.N.F., Ranchi)

Order on the point of Admission

This appeal has been directed by the appellant, named above, against the impugned judgment and order dated 19-9-2016, passed by the learned Vidyut Upbhokta Shikayat Niwaran Forum, Ranchi, hereinafter called VUSNF, in complaint case no. 11/2015, whereby and whereunder, the learned VUSNF have remitted back the matter, with direction that company authority before raising bill on the basis of Audit objection report, should provide reasonable opportunity to the petitioner(consumer) of hearing and consumers shall be entitled to file objection, if any, against Audit objection and then pass final order within thirty days from the date of service of Audit Objection report to petitioner and may raise supplementary bill, if any arrears occurs legally. The impugned bill raised in month of Aug. 2015 and the impugned notice u/s 56 of Electricity Act hereby quashed.

The learned counsel appearing on behalf of Appellant has submitted that learned Forum has, though, setting aside the supplementary Bill raised by the licensee, but at the same time appellant has been relegated to the officers of the licensee for meeting the requirements of principle of natural justice, without dealing with any of the issues of law as also of facts raised by the appellant. It is further submitted that issues of law involved in this case cannot be decided by the Administrative authority, comes within meaning of State under Article 12 of Constitution of India . It has further been submitted that although the application of the petitioner was allowed partially but these issues raised by the appellant has not been replied or dealt with, hence this appeal has been filed. Therefore this appeal may be admitted and fixed for hearing.

The learned counsel appearing on behalf of the Respondent has submitted that the impugned judgement and order has been passed by the learned VUSNF with direction to the Appellant with the consent of parties therefore it is settled principle of law that impugned order and judgement is being passed with consent of parties then no appeal shall lie. Learned counsel further submitted that at page no 6 of impugned judgement the learned forum has clearly mentioned in para 11” it appeared on scrutiny of audit and rival arguments advanced by both sides that administrative authorities has to revise his earlier decision upon the report of Accountant General (A & E) Jharkhand” . It is further mentioned that learned lawyers of the Respondent and petitioner agreed with reservation that it may not be taken as only argument, but by way of additional argument with other points of argument advanced on behalf of petitioner (Appellant). Therefore this appeal is not maintainable in the eye of law in the admission stage, itself.

Having heard the argument advanced on behalf of both sides, I do find that impugned judgement & order is being passed with the consent of parties. Moreover an opportunity is further been given to the Appellant for hearing after giving show cause notice before the administrative officers. Thus, I find & hold that impugned judgement & order is being passed with the consent of the parties with liberty to the appellant to file show cause notice & avail further opportunity for hearing. Therefore, under the aforesaid circumstances, this appeal is not fit to be admitted. However, from perusal of impugned judgement delivered by member 1 and member 2, a specific order is being passed that “No coercive action will be taken till pendency of the hearing”. Thus, by passing impugned judgement, there appears no grievance against appellant. Thus, it appears that no adverse judgement is being passed against the appellant. Hence,

this appeal is dismissed at the admission stage with the direction to the parties to appear before the competent authority in compliance with the order passed by the learned VUSNF.

Sd/-
Prem Prakash Pandey
Electricity Ombudsman