

**BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND**  
4<sup>th</sup> floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001

**Appeal No. EOJ/01/2013**

**Dated- 12<sup>th</sup> April, 2013**

**Shri Kali Pado Jha** ..... **Appellant**  
**Consumer No. HG3J2D131J1P0000000KMD-3080**  
**Connection Load – 1 KW DS - I**

**Versus**

**Jharkhand State Electricity Board & others** ..... **Respondent**

**Present:**

<b>Electricity Ombudsman</b>	-	<b>Shri Arun Kumar Datta</b>
<b>Advocate for the appellant</b>	-	<b>Shri Manoj Ranjan Jha</b>
<b>Advocate for the respondent</b>	-	<b>Shri Rahul Kumar</b> <b>Shri Prabhat Singh</b>

**ORDER**

1. This is an appeal filed by the appellant Shri Kali Pado Jha against the order dated 15.12.12 in case no. 02/2012 corresponding to 20/2012 of learned Vidyut Upbhokta Shikayat Niwaran Forum (In short to be referred as V.U.S.N.F.) J.S.E.B., Hazaribag.

2. The brief facts giving rise to this appeal is that on 25.07.2011 the electric transformer of village Mungo, was burnt as a result of which the entire electric supply of village – Mungo, P.O. – Bagda, P.S. – Kashmar , Distt. – Bokaro including that of the electric supply of appellant Shri Kali Pado Jha was disrupted and stopped. Therefore the appellant Jha and other co-villagers had submitted a written report before the Electrical Executive Engineer, electric supply division, Tenughat, Distt. – Bokaro which was sent to assistant engineer electric supply division, Jaina More on 26.09.2011. But neither the burnt transformer was replaced nor repaired in spite of the complaint lodge by the appellant before the call center of J.S.E.B. on 19.12.2011. Though the entire power supply of village Mungo was stopped including

that of the appellant Shri Kali Pado Jha, but the electric bills of the appellant used to be sent to the appellants which is extremely illegal.

3. When the electric supply of appellant was not restored then on 24.04.2012. Appellant Shri Kali Pado Jha filed the complaint before the V.U.S.N.F. of J.S.E.B. Ranchi which was later on sent to V.U.S.N.F., Hazaribag of J.S.E.B. on 10.07.2012.

4. Grievance of the appellant was heard and in the mean time the electric supply of appellant was restored and adjustment of illegal bills were also made and therefore the V.U.S.N.F., J.S.E.B., Hazaribag had passed an order on 15.12.2012 that the grievance of the complainant/appellant have been removed and the power supply at the premises of complainant/appellant have been restored in mid of November 2012 after installation of new distribution transformer and the complainant/appellant has also received almost full adjustment of electric bills for the period when interruption of power supply was there.

5. Being aggrieved by and dissatisfied with the aforesaid order of learned V.U.S.N.F. of J.S.E.B. Hazaribag, the appellant has filed this appeal before this forum only for compensation amounting to Rs. 1,63,000/- for his physical and mental harassment and suffering from 25.07.2011 till 15.12.2012.

6. Now the only point for determination in this case is that whether the appellant Shri Kali Pado Jha is entitled to get compensation for his mental and physical harassment for the period during which there was complete power failure in the premises of appellant and also in the entire village of Mungo, P.O. – Bugda, P.S. – Kashmar, Distt. – Bokaro.

7. In this context Shri Rahul Kr. the learned standing counsel of respondent/J.S.E.B. as well as Shri Prabhat Singh additional counsel for the J.S.E.B. submitted that the appellant has mentioned at para 7 of his memo of appeal that in view of section 57 of Electricity Act 2003 the distribution licensee is liable to pay such compensation to the person effected as may be determined by the appropriate Commission. As such according to the learned standing counsel of J.S.E.B./respondent this forum has no jurisdiction to allow any compensation to the appellant under section 57 of the Electricity Act 2003 and therefore the learned V.U.S.N.F., Hazaribag of J.S.E.B. has also not allowed any compensation to the

appellant. The learned counsel of respondent/J.S.E.B. has also submitted that the learned V.U.S.N.F. of J.S.E.B., Hazaribag while disposing the case has considered all aspects including the grievance of the petitioner/appellant and has also compensated the appellant by adjusting the impugned electric dues for the period when there was interruption in power supply of the appellant and therefore no other compensation on any account was ever claimed before the learned V.U.S.N.F. of J.S.E.B., Hazaribag. It has been further submitted by the learned counsel of J.S.E.B./respondent that no compensation on account of the cause of action for filing the case below is admissible under schedule II of the **Jharkhand State Electricity Regulatory Commission (Distribution licensee's standards of performance) Regulations, 2005** which was framed in exercise of the powers conferred under section 57 of the Electricity Act 2003. Therefore according to the learned standing counsel of the respondent/J.S.E.B. the appellant is not entitled to get any compensation in view of section 57(2) of Electricity Act 2003.

8. But I do not find any force in the aforesaid contentions of the learned standing counsel of J.S.E.B. and in my view this case does not come under section 57(2) of Electricity Act 2003 in which appropriate Commission has been given power to compensate. Section 58 of Electricity Act 2003 empowers the appropriate Commission to specify different standards under sub section (1) of Section 57 for a class or classes of licensees. Accordingly schedule II of **Jharkhand State Electricity Regulatory Commission (Distribution licensee's standards of performance) Regulations, 2005** was framed in exercise of the power conferred under section 57 of the Electricity Act 2003.

9. On perusal of schedule II at page No. 248 of **Jharkhand State Electricity Regulatory Commission (Distribution licensee's standards of performance) Regulations, 2005** it is found that it is related to HT to LT transformer failure and sub station transformer (HT to HT) failure to IUC consumers and RIAC consumers. Thus the aforesaid facts fully shows that it is not meant for domestic consumers. The transformer of appellant was burnt on 25.07.2011 therefore **Jharkhand State Electricity Regulatory Commission (Guidelines For Establishment Of Forum For**

**Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2005** is applicable in this case.

10. On perusal of Clause 8 of **Jharkhand State Electricity Regulatory Commission (Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2005** it is found that the forum has jurisdiction to take up any kind of grievances/complaints as defined in Regulation 2(h) of these regulation. The grievance/complaint of the appellant comes within the definition of 2(h)(i) because there existed defect and deficiency in electricity service provided by the distribution licensee. Clause 12(1) of the aforesaid Regulation 2005 of Jharkhand State Electricity Regulatory Commission reads as follows:-

12(1) “If, after the proceedings conducted under regulation 11, the Forum is satisfied that any of the allegations contained in the complaint, about the electrical services, are proved, it shall issue an order to the distribution licensee directing him to do one or more of the action to redress the complaint and compensate the complainant if need be.”

11. As such it is well within the jurisdiction of learned V.U.S.N.F. of J.S.E.B., Hazaribag to compensate the appellant because there existed defect or deficiency in electricity service provided by the distribution licensee as defined in clause 2(h)(i). Because the transformer through which the electricity supply used to be made in the premises of the appellant and also to the entire village of appellant was burnt on 25.07.2011 and as the order sheet dated 15.12.2012 of learned V.U.S.N.F., Hazaribag of J.S.E.B. shows that the electricity supply of the premises of complainant/appellant has been resumed w.e.f. 14.11.2012. Beside it wrong electrical illegal bills were also issued to the appellant during which there was interruption of power supply. Though these defect and deficiency were removed by the respondent/J.S.E.B. after running to pillar to post by the appellant for more than one year, therefore the complainant is entitled to be compensated for his mental and physical harassment by this forum which the learned V.U.S.N.F. J.S.E.B., Hazaribag failed to do so which the appellant has filed this appeal before this forum.

12. Therefore it is held that the appellant Shri Kali Pado Jha is entitled to get compensation under clause 12(1) of **Jharkhand State Electricity Regulatory Commission (Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2005**

Now the question arises what should be the amount of the compensation which should be allowed to appellant for his physical and mental suffering for more than one year because of the fault of the respondent/J.S.E.B.

13. In this connection it has been submitted on behalf of the appellant that section 43(3) of the Electricity Act 2003 provides for payment of Rs.1,000/- for each day of default as penalty if the distribution licensee fails to supply the electricity within the period specified in sub section (1). But I do not find any force in the aforesaid contention of the appellant because section 43(1) of Electricity Act 2003 is for new connection for electricity supply to such premise and it is not for defect or deficiency in supply of electricity as defined under section 2(h) of **Jharkhand State Electricity Regulatory Commission (Guidelines For Establishment Of Forum For Redressal Of Grievances Of The Consumers And Electricity Ombudsman) Regulation, 2005.**

14. On perusal of the memo of appeal filed on behalf of appellant it is found that the appellant has claimed compensation of Rs. 1,63,000/- for his physical and mental suffering. The appellant has also claimed compensation in his petition dated 03.11.2012 which was filed before the V.U.S.N.F. of J.S.E.B., Hazaribag at para 5 and even before the V.U.S.N.F. of J.S.E.B., Ranchi in the complaint petition seeking relief no. III at page 5 dated 09.04.2012 filed on 24.04.2012. But even then the learned V.U.S.N.F. of J.S.E.B., Hazaribag has not allowed any compensation to the appellant Shri Kali Pado Jha nor any finding or reason has been given for not allowing any compensation to appellant. However the appellant has approached this forum for allowing compensation to him by filing this appeal before this forum.

15. Thus from the aforesaid discussions and finding made above I am led to hold that the appellant Shri Kali Pado Jha is entitled to get compensation because he along with all the persons of his village had to remain in darkness for more than one year and for wrong illegal electricity bills were also issued to the appellant for the period

when there was no electricity supply at his premises. Though the aforesaid grievance of the appellant were removed when the respondent/J.S.E.B. had harassed the appellant for more than one year and therefore the respondent/J.S.E.B. is liable to pay compensation to the appellant shri Kali Pado Jha for his mental and physical harassment.

16. Therefore it is:-

**Ordered**

That the respondent/J.S.E.B. shall pay Rupees ten thousand (10,000/-) to appellant shri Kali Pado Jha within one month from the date of receipt of this order failing which the appellant may move this forum for implementation of this order.

Let a copy of this order be sent to both the parties for information and for compliance of the order.

Sd/-  
Electricity Ombudsman