

BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND

4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi-834001

Appeal No. EOJ/01/2016

M/s Shree Balajee Coke Industries Appellant

Versus

JUVNL & Ors. Respondent

Present:

Electricity Ombudsman - Sri Ramesh Chandra Prasad

Counsel for the appellant - Sri M.S.Mittal
- Sri. Saket Upadhyay
- Sri. Naveen Kumar

Advocate for the respondent - Sri Rahul Kumar
- Sri Prabhat Singh

INTERIM ORDER

(Passed on this 9th day of February, 2016)

1. The instant Appeal has been filed by M/s Shree Balajee Coke Industries against the Order dated 22.12.2015 passed in case No. 15 of 2014 by the learned Vidyut Upbhokta Shikayat Niwaran Forum, Hazaribag (hereinafter referred to as Forum) which is reproduced herein as below:

“Though M/s Bala Jee Coke Industries is liable to pay supplementary bill with effect from Oct’2010 to April 2012 but per clause 56 (2) of Indian Electricity Act 2003 no bill can be raised for the period beyond two years. Therefore the petitioner has to pay Supplementary electricity bill from Nov.2012 to April 2012 because bill was raised in Nov.2012. Agreement will be effective from Oct.2010. The petitioner may request respondent board to

convert the electricity connection from H.T.S. to LTIS again as per rules under tariff and supply code. Interim order dt.14.08.15 is also quashed with above noted observations. This complaints case is disposed off.”

2. As per laid down procedure, the licensee or any consumer aggrieved by an order made by the Forum may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of the receipt of the order. The Electricity Ombudsman shall entertain no appeal by any consumer, who is required to pay any amount in terms of an order of the Forum, unless the appellant has deposited in the prescribed manner, at least fifty percent of that amount as per provisions of Clause 14 of (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2011.
3. The Appellant has prayed through Interlocutory Application for grant of exemption in respect of depositing fifty percent of the supplementary bill raised by the Respondents.
4. The learned Advocate relied upon judgement of various courts particularly W.P (C) No.3637/2009 (M/s Shah High Tech Auto Alcast Company (P) Ltd. V/s JSEB and Anr) and submitted to allow exemption by way of not depositing fifty percent of the impugned bill and, further clarified that the pattern of energy consumption is not the issue of dispute but the way conversion of LT supply to HT supply has been made is not justified because for a high tension supply the requirements are, Air Break Switch, Transformer, Low tension Oil Circuit Breaker , High Tension Meter but the same were not provided by the Respondents to the Appellant’s factory.
5. He prayed to allow deposit of current bill for the month of December,2015 within two weeks with a direction to the Respondents not to disconnect power supply during the said period.

6. The learned Counsel submitted not to allow any exemption as far as deposit of fifty percent of the impugned bill is concerned which is mandatory.
7. Heard both the parties and carefully gone through the material available on record.
8. In the result, I find that the Appellant M/s Shree Balajee Coke Industries has to deposit fifty percent of the supplementary bill to the Respondent as per Clause 14 of (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2011 within two weeks running from 10th of February, 2016 and submit receipt of it's payment and, thereafter, further hearing will be made on 23rd Feb.2016. During this period of two weeks, the Respondent shall not disconnect the power supply of the Appellant.
9. Let a copy of this order be given to both the parties.

Sd/-
Electricity Ombudsman