

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

Case No. EOJ/05/2014

M/s Sartaj Hotel ..... Appellant(s)  
Versus  
JUVNL & Others ..... Respondent(s)

**Present:**

**Shri Ramesh Chandra Prasad** : **Electricity Ombudsman**  
**Advocate for the Appellant** : **Sri. Nitin Pasari**  
: **Sri. Sudhir Singh**  
**Counsel for the Respondent** : **Sri. Rahul Kumar**  
: **Sri. Prabhat Singh**

**ORDER**

**(Passed on this 04<sup>th</sup> day of September, 2014)**

1) The appellant is a LT consumer under tariff code NDS2 of the respondent and their consumer No. is T6665. Pursuant to the Order of the Hon'ble Vidyut Upbhokta Shikayat Niwaran Forum ,Ranchi(herein after referred to as VUSNF) in Case No.07/13, respondents were to revise the impugned energy bills for the entire disputed period since November,1999 onwards in terms of Memo No. 1497 dated 25/07/2011 of the then Electrical Executive Engineer, Ranchi. addressed to Electrical Superintending Engineer, Electric Supply Circle, Ranchi within 15 days after receipt of the judgement. However, no heed was paid.

2) By order dated 15/05/2014 the VUSNF allowed the grievances and directed the respondents to revise the energy bill of the appellant since Nov.1999 without charging DPS and while calculation, if any amount is found in excess than the same will be adjusted against future energy bills. No cost was saddled on the respondents by the Forum.

3) The appellant is dissatisfied with the action of the respondents for not executing the Order/direction dated 14/05/2014 in Case No.07/2013 of the Forum in letter and spirit and that is why this petition has been filed before the Electricity Ombudsman.

**4) Delay in Filing:**

The learned counsel for the respondent contended that the appeal is barred by limitation as it has been filed beyond the period of 30 days. It is to be noted that clause 19(3) (b) of the (Guidelines For Establishment Of Forum For Redressal Of Grievances of The Consumers And The Electricity Ombudsman) Regulations, 2005 prescribes a period of 30 days for filing the appeal but as per the first provisio of the said clause of the Regulations, the Electricity Ombudsman may entertain an appeal after expiry of 30 days if the Electricity Ombudsman is satisfied that there was sufficient cause for not filing it within the aforesaid period. The expression satisfied occurring in the first provisio is significant. In view of the said expression, the Electricity Ombudsman may condone the delay for filing the appeal if he is satisfied that there is sufficient ground for not filing the appeal within the period of limitation. In the instant case, the appellant has in the petition for condo nation of delay explained that after much persuasion by the petitioner for the revision of bills it was

told by the respondents that bills have been sent to Board Headquarter for approval and will be communicated shortly but the same did not happen. Having failed in all efforts to get the Orders executed, the appeal for implementation of the Order dated 15/05/2014 of VUSNF could be filed only on 01/07/2014.

I am satisfied that the petitioner has plausible explanation for not filing the appeal within the time frame stipulated under the Code. With the above reason for delay and condonation of delay of 16 days as prayed is granted and the delay is condoned.

**5) Submissions of the petitioner:-**

5.1) The learned Counsel for the appellant submitted that no steps have been taken by the Respondents in compliance to order dated 04.06.2003 passed in Case No. 12 of 2003 read with order dated 7<sup>th</sup> January, 2004 passed in Case No. 75/2003 passed by the then Consumer Grievance Redressal Forum, Ranchi but as of now the said orders have not been implemented/given effect too. Per contra a notice has been issued to the petitioner seeking payment of Rs. 22,81,256/-, although no order has ever been communicated upon the petitioner or any calculation sheet in purported compliance to the orders mentioned herein above. Therefore, the notice dated 02.08.2013 issued under the signature of Electrical Executive Engineer, Electric Supply Sub Division, Central, Ranchi whereby and where under an amount of Rs. 22,81,256/- has been sought to be realized from the petitioner is liable to be quashed. Further, in compliance to order dated 06.01.2010 passed by the Hon'ble High Court in W.P.C. No.2057/2004 wherein direction was given to make available the petitioner calculation sheet of the revision of the bills.

Instead of giving bill as per the direction, they were served with a bill not in line with the Orders passed earlier .The cause of action for filing the present execution petition accrued on 01/06/2014 and is still continuing.

5.2) The learned counsel further submitted that in terms of the orders passed by the Hon'ble Forum at Ranchi, JUVNL was to comply with the orders passed granting following benefits/reliefs:

- a. Revision and correction of the energy bills for the entire disputed period since Nov. 1999 onwards till date.
- b. Handing over a heading wise calculation chart along with the revised energy bills.
- c. Deletion of the entire Delayed Payment Surcharge (DPS) charged on the bills for the disputed period i.e. from Nov.1999 till date.
- d. Refunding of excess amount paid by the petitioner if and, after final calculation and issuance of revised bills.
- e. Interest in terms of clause 11.10.3 of the (Electricity Supply Code) Regulation, 2005 to be paid along with the amount paid in excess.

5.3 The learned counsel further submitted that the concerned authorities of the respondent JUVNL be suitably punished for willful violation and non-compliance of the Order dated 15.05.2014 passed in Case No. 07/2013.

#### **6. Submissions of the Respondent:-**

No counter to Memo of Appeal has been filed by the respondents. However, the learned counsel made reference of letter number 760 dated 30/07/2014 written by Electrical Executive

Engineer, Electric Supply Division Ranchi Central addressed to the Chairman, Electricity Ombudsman, Jharkhand wherein the following averment has been made:

*“In the compliance of the orders a revised bill for Rs.22, 81,256.00 has been handed in sent through speed post to the consumer vide this office letter no.978 dated 02/08/2013 for the bill up to month 07/2013. Wherein a correction of Rs.9, 58,394.00 has been made wherein Rs.652,505.00 was against energy charge and Rs.3,05,889.00 against DPS thereof.*

*As such presently bill of the consumer is absolutely correct and consumer must pay it.”*

The learned Counsel submitted that the aforesaid letter may be treated as compliance of the direction given by VUSNF in Case No.07/13.

**7) Main Issue:**

Revision and correction of the energy bills for the entire disputed period since Nov. 1999 onwards till date and deletion of the Delayed Payment Surcharge (DPS) charged on the bills for the disputed period and, Refund of excess amount paid by the petitioner after final calculation and interest there on in terms of clause 11.10.3 of the (Electricity Supply Code) Regulation, 2005.

**8) Findings:**

The crux of the dispute is whether the DPS computed by the respondent is in line with the Order of VUSNF?

Let us first look at the background of the complaint filed by the appellant before VUSNF. Extract from the Order of VUSNF in this regard reads as below:

*“The respondents are accordingly directed to issue revised and correct energy bill/bills for the entire disputed period since Nov,1999 onwards till date in terms of the aforesaid Memo No. 1497 dated 25/07/2011 of the aforesaid the then E.E.E. addressed to the then E.S.E. The respondents are further directed to serve revised bill/bills of the petitioner within 15 days after the receipt of this judgment and a heading wise calculation chart must be served on the petitioner along with the revised energy bill without charging any DPS.*

*Order of this Forum No.23 dated 14/05/2014 shall form part of this judgment for all purposes. If after final calculation and issuance of revised bill, any amount is found paid in excess than the same will be adjusted against future energy bills .Thus, this complaint stands disposed of.”*

It appears that the respondents are willfully disobeying the direction given in the Order delivered by the Hon’ble VUSNF. This shows the callousness and lingering attitude of the respondents and for this appropriate action is required against the erring officials.

Heard both the parties.

Upon perusing the petition and relevant records pertaining to the case and having stood over the consideration before the Electricity Ombudsman till this day, the following observation is made:

“Admittedly, the punitive bill, in the instant case is to be raised strictly according to the direction given by the Forum in Case No.07/2013 dated 15/05/2014.However, the respondents have

contended that they have raised the bill in accordance with the tariff but it is not made clear that under which clause the bill has been prepared/raised nor they have furnished any detail of the billed amount in utter violation of direction given by the Forum.

In the result the application is allowed.

The respondents are directed to prepare revised bill/bills in the light of direction given by VUSNF without charging any DPS and serve the bill to the petitioner within one month from date of issue of this Order. If after final calculation and issuance of revised energy bill, any amount is found paid in excess than the same will be adjusted against future energy bills.

The applicant has not adduced any evidence what so ever in respect of the expenditure alleged to have been incurred by them for approaching the officials of the respondents or the Forum. Hence, they are not entitled to recover any expenditure.

In the result, I pass the following order:

- a) The petition is allowed,
- b) No order as to cost.

Thus, this appeal stands disposed of.

Let a copy of this Order be served on both the parties for information and compliance.

Sd/-  
Electricity Ombudsman