

**BEFORE THE COURT OF ELECTRICITY OMBUDSMAN,
JHARKHAND**

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

Case No. EOJ/14/2008

Dated- 22nd July 2008

JSEB through its chairman & ors. Vrs. M/s Maa Chinnmastike sponge iron (P) Ltd.

Present:

Electricity Ombudsman	Mr. Sarju Prasad
Counsel(s) for the Appellant:	Mr. Rajesh Shankar
	Mr. Dheeraj Kumar
	Mr. Abhay Prakash
Counsel(s) for the Respondent:	Mr. Ajit Kumar
	Mr. Vijay Gupta

ORDER

This is an application filed by the JSEB for review of judgement/order dated 27.03.2008 passed in case no. EOJ/14/2007.

The brief facts; giving rise to this review petition is that M/s Maa Chinnmastika Sponge Iron (P) Ltd. had filed two separate cases before VUSNF which were registered as two different cases and both cases were decided in favour of opposite party i.e. M/s Maa Chinnmastika Sponge Iron (P) Ltd. One of the cases related to the consumer of HTSS category with induction furnace and other case was with respect to HTS-II category consumer. Against the judgement of VUSNF two separate appeals were filed by JSEB and one appeal was registered as case no. EOJ/14/2007 whereas the other case was registered as case no. EOJ/19/2007. Both the cases were fixed on same date and arguments were completed by both the parties along with some other cases of similar nature and judgments were reserved. All the other cases were of consumer of HTSS category with induction furnace except the appeal case no. EOJ/14/2007.

All the appeals were heard on 22.01.2008 and were disposed of by separate judgement including case no. EOJ/14/2007 which was related to HTS-II category of consumer whereas other were consumer of HTSS category with induction furnace.

The main plea taken by the JSEB in the review petition is that due to bonafide mistake and confusion JSEB committed mistake to consider that the case of M/s Maa Chinnmastika Sponge Iron (P) Ltd. which is a consumer of HTS-II category, is a consumer with induction furnace and the submission were submitted before VUSNF accordingly. In this Court also appellant had not argued the case on merit. The opposite party objected the review petition alleging that JSEB is only adopting delaying tactic. The learned lawyer for appellant has relied upon the judgement of Supreme Court reported in (2000) 10 Supreme Court Cases in page no.264 in which it has been held that the impugned order was passed in absence of lawyer in such cases the review petition ought to be allowed. The main submission of the petitioner is that due to mistake and confusion he has not argued the appeal case no. EOJ/14/2007.

It is pertinent to mention that ordinarily review petition should not be allowed but in the present case I find that certainly there was some confusion and due to that the JSEB has not argued the appeal on merit. Therefore, in my opinion JSEB should be given an opportunity to argue the appeal on merit. In the circumstances, this review petition is allowed and the judgement dated 27.03.2008 is set aside and the appeal is ordered to be fixed for hearing on 29/07/08 on merit in presence of both the parties. Inform accordingly.

Sd/-

Electricity Ombudsman