

BEFORE THE COURT OF ELECTRICITY OMBUDSMAN, JHARKHAND
4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001

Case No. EOJ/04/2006

Dated- 12th Apr 2007.

M/s Hitech Engineering works

.....Appellant(s)

Versus

JSEB through its Chairman & others

..... Respondent(s)

Present:

Shri Sarju Prasad

Electricity Ombudsman

Shri D.K. Pathak, Advocate

Counsel for the M/s Hitech Engineering.

Shri Manoj Kejriwal,

Representative of JSEB

ORDER

Heard both the parties on the point of giving direction for depositing of the 50% of the amount of arrear of the electric bills and also on the point of condonation of the delay in filing the appeal.

The brief facts giving rise to this order is that M/s Hitech Engineering Works was provided with electric connection for running small scale industry since 1973 with sanctioned load of 70 HP. The load was reduced to 50 HP on the request of the petitioner in August 1996. Thereafter the consumer filed a petition on 1/6/97 for disconnection of electric line under clause 9(a) of the LT agreement and in pursuance of that consumer's line was disconnected on 1/7/97. The consumer again applied for restoration of power supply on 13/3/99 and was restored on 17/3/99. The consumer received an energy bill for the month of April 1999 in which the total amount of the electric charges was shown to be Rs. 3,22,452.00 + arrears amounting to Rs. 2,29,685.00. The total bill for one single month was Rs 5, 48,138.72 and upon no payment of the same the consumer's electric connection disconnected on 30/6/99. The consumer challenged before the Hon'ble Jharkhand High Court for quashing the impugned bill of the Board wherein the Hon'ble High Court was pleased to pass an order that on deposit of Rs. 75,000/- by the petitioner, the line of the consumer will be restored. The Hon'ble High Court further directed to Electrical Superintending Engineer, Electric supply Area, Ranchi to hear the petitioner and dispose of the claim considering the documents by a reasoned order in accordance with law. The Electrical

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Superintending Engineer, Electric Supply Area, Ranchi passed a reasoned order dated 14/02/06 and opined that as per the terms of the LT agreement a consumer can not determine his agreement before a period of 2 years from the date of agreement. Since the consumer had entered into an agreement w.e.f. 8/96 for reduction of load from 70 HP to 50 HP afresh and as per tariff and norms, hence the Electricity Board is entitled for electricity charges for a period of two years and therefore the bill raised for Rs. 5,48,138.72 is correct. This order of Electrical Superintending Engineer was challenged by the consumer before the VUSNF of JSEB, which has been disposed by the judgement, dated 26th September, 06 in which it has been held that the order of the Electrical Superintending Engineer, Electric Supply Area, Ranchi is correct and the consumer is liable to pay DPS charges also over the existing dues because the Jharkhand High Court, Ranchi, did not stay the payment of dues. As per the order of the Forum the last energy bill, which has been served upon the consumer, is dated 14/12/06. According to which the appellant M/s Hitech Engineering Works is now required to make payment of Rs. 23, 33,719.00.

It has been pointed out by the respondent JSEB that under clause 13 the Electricity Ombudsman should not entertain the appeal by the consumer unless he has deposited in prescribed manner at least 50% of the amount payable in pursuance of the order of the Forum. The Learned lawyer for the appellant submits that since the dispute was only for disconnection period of energy charge which is amounting to Rs. 5,48,138.00 and the appellant has already deposited Rs. 75,000/- as per the order of the Hon'ble High Court, Jharkhand and has also deposited further more amount, therefore the appellant is not required to further deposit any amount. Now the question is whether appellant is to deposit 50% of the amount which has become outstanding dues at the time of filing of appeal or 50% of the amount of the disputed bill at the time of filing of the case before the VUSNF of JSEB. In order to appreciate the submissions it is worth to mention the relevant portion of the provision of the Clause 13 of the (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulations, 2005. It provides that the Electricity Ombudsman shall not entertain an appeal by any consumers who are required to pay any amount in terms of order of the Forum, unless the appellant has deposited in prescribed manner at least 50% of that amount. From the above provision it is crystal clear that consumer is to deposit 50% of the amount which is become payable in terms of the order of VUSNF of JSEB. From the judgement of the VUSNF it is clear that the Forum has held that the consumer is required to make payment of the electric charges as raised in April, 99 to the extent of Rs. 5, 48,138.72 and is also liable to make payment of further electricity charges with DPS charges because the

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payment of dues was not stayed by the Hon'ble High Court dated 2/11/99 and the consumer did not choose to make payment. Thus from the order of the VUSNF it is clear that the consumer is to make payment of the amount of bill as contained in April, 99 + DPS etc. which has now swollen up to the extent of Rs. 23,33,719/- as on 14/12/06. Therefore the appellant is directed to make payment of the 50% of this amount then only this appeal will be entertained. The consumer must comply this within 30 days from the date of the receipt of a copy of this order.

Sd/-
Electricity Ombudsman