

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

Case No. EOJ/10/2007

Dated- 17th July 2007

M/s S. R.G Iron & Steel Pvt. Ltd.

.....Appellant(s)

Versus

JSEB through its Chairman & others

..... Respondent(s)

Present:

Shri Sarju Prasad

Electricity Ombudsman

Shri M.S. Mittal

Counsel for the Appellant

Shri N.K. Pasari

Counsel for the Appellant

Shri Rajesh Shanker

Counsel for the Respondent(s)

Shri Manoj Kejriwal

Representative of JSEB

ORDER

This order arises out of petition filed by appellant M/s S.R.G. Iron & Steel Pvt. Ltd. to review the order dated 18/05/07 passed by this Forum.

The brief facts giving rise to this petition is that the appellant has challenged the supplementary bill for the month of October, 2001 issued on 10/04/04 making demand for payment of Rs. 16,90,728/- before the Hon'ble High Court earlier where as per the direction of the Hon'ble High Court the appellant deposited Rs. 6,00,000/- as per the order dated 03/10/05 passed in WP© No. 5581/05. The Hon'ble High Court ultimately directed the appellant to approach before the General Manager-Cum-Chief Engineer of JSEB vide order dated 20/12/05. A representation was made by the appellant before the General Manager-Cum-Chief Engineer which was dismissed and thereafter the appellant moved before the VUSNF which was also dismissed vide order dated 12/04/07. In pursuance of the order of the VUSNF, a total sum of Rs. 21.56 lacs has become due till March, 2007. As per the clause 13 of the regulation under which this appeal has been filed, the appellant has been directed to deposit a sum of Rs. 10,78,000/- before the appeal can be entertained. Against that order present petition has been filed by the appellant.

According to the appellant the initial disputed bill was amounting to Rs. 16,90,728/- out of which, a sum of Rs. 6,33,473/- has already been paid and also as per the order of the Hon'ble High Court Rs. 6,00,000/- were paid and thereafter the appellant has paid three installments of Rs. 4,33,000/- which comes to

BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND

Rs. 13,60,810/- therefore the appellant has already deposited more than 50% of the initial amount which was disputed. Therefore, the order passed by this Forum be recalled.

The JSEB has filed a counter affidavit to this review petition and has submitted that the appellant as per the order of the Hon'ble High Court was to make payment for current energy charges apart from making payment of Rs. 6,00,000/- but he did not make payment of current energy charges and ultimately an amount of Rs. 21,66,876/- became payable upto October, 2004 and the appellant has entered into an agreement to make payment in five monthly installments of Rs. 4,33,375/- plus interest and RC & DS charges which were allowed on execution of agreement dated 15/12/04. But the appellant has deposited only Rs. 6,00,000/- as per the order dated 03/10/05 by the Hon'ble High Court and three installments as per the agreement and finally a sum of Rs. 21.56 lacs has become due as per the order of VUSNF.

As per the clause 13 of the regulation, 50% of the amount which has become payable in pursuance of the order of VUSNF is to be paid by the appellant before the appeal is entertained. Since the appellant had neglected to make payment of current energy charges and ultimately the amount has swollen up to the extent of Rs. 21.56 lacs therefore as per the regulation 13, the appellant must make payment of 50% of this amount. Therefore I do not find any merit in review petition hence the review petition is hereby dismissed. The appellant must deposit the amount as per the order dated 18/05/07 by 10th August 2007 failing which memo of this appeal shall stand rejected.

Sd/-

Electricity Ombudsman