

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

**Case no. EOJ/06/2007**

**Dated- 10-April-2007**

**JSEB through its Chairman & others**

**Vrs. M/s Teksons Cooling System Pvt. Ltd.**

Present:

Mr. Sarju Prasad

Electricity Ombudsman

Mr. N.K. Pasari

For the petitioner

Mr. Rajesh Shankar

For the respondent

2. 10.04.2007            Heard both the parties. On the question of setting aside exparte judgement it is submitted that JSEB was all along appearing in the case but no steps was taken on behalf of JSEB because the Nodal Officer's mother was ailing and was out of headquarter on that date. The opposite party M/s Tekson Cooling System does not dispute this fact. However, it is submitted that there is no provision for setting aside exparte order under the provision of Electricity Ombudsman Regulations. Therefore this Forum cannot set aside the exparte order/judgement. It is well settled law that when there is no specific provision for regulation for the proceeding in any court or Forum then the provision of CPC will apply. Therefore on this score this miscellaneous case cannot be rejected.

It is further submitted the Lawyer of the JSEB that the order of the Forum for refund of the over payment made by M/s Tekson Cooling System amounting to Rs. 10,22,385.00 but as a matter of fact the excess payment is only to the extent of Rs. 8,00,000.00 and odd. Therefore if the exparte judgement is not set aside JSEB will have to refund excess amount then the amount to which M/s Tekson Cooling System is entitled to. It is further submitted that JSEB is ready to refund the actual excess amount to the respondent.

Considering of this submission this miscellaneous case is allowed and exparte judgement dated 12/03/2007 passed in case no. EOJ/05 /06 is set aside restoring the case No. EOJ/05/06 to its original file in which M/s JSEB must file counter affidavit by 19/04/07.

Sd/-  
Electricity Ombudsman