

BEFORE THE COURT OF ELECTRICITY OMBUDSMAN,
JHARKHAND

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

Appeal No. EOJ/01/2010

Dated- 6th March, 2010.

Shashi Kant Pandey

..... Appellant(s)

Versus

Tata Iron & Steel Co. Ltd. & Others

..... Respondent(s)

Present:

Shri Arun Kr. Datta

Electricity Ombudsman

Shri Shashi Kant Pandey,
Shri M.S. Mittal, Advocate
Shri N.K. Pasari, Advocate

Consumer/Appellant in person
Counsel for the Respondent
Counsel for the Respondent

ORDER

1. This is an order on the petition dated 17/02/2010 filed on behalf of respondents (Tata Iron & Steel Co. Ltd.) taking the ground of preliminary objection in terms of Clause 19(3) (d) of the notification dated 06/04/2005 in accordance with the (Guideline for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005.

2. The consumer/appellant, Shashi Kant Pandey has filed this appeal before this Forum when the complainant/consumer had not received any reply within a period of three months from the date of filing of his grievance before the Forum for Redressal of Grievances of the Consumers of Tata Steel/JUSCO, Jamshedpur. The grievance of the consumer/appellant is that he was denied separate fresh electric connection by the licensee in his

purchased flats nos. 505,506 and 507 at 5th floor, Akash Deep Plaza, Golmuri, Jamshedpur.

3. On filing the appeal/ representation by the consumer/appellant, Shashi Kant Pandey, notices were issued to respondents on which the respondents appeared through their Learned Lawyers and has filed this preliminary objection.

4. The preliminary objection which has been raised by the respondent is that this Forum can not proceed further in view of the Clause 19(3)(d) of the notification dated 06/04/2005 in relation to the (Guideline for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005 because the Hon'ble Jharkhand High Court has already passed a final order in W.P.(C) No. 4612 of 2004 dated 13.3.2007 disposing the case of the appellant/consumer. Thereafter the consumer/appellant had filed a Contempt Case (Civil) No. 696 of 2007 which was also dismissed by the Hon'ble Jharkhand High Court. Thereafter the consumer/appellant had filed a Contempt Appeal No. 01 of 2009 which was also dismissed on 16/12/2009 by the Division Bench of Hon'ble Jharkhand High Court. The Learned Counsel appearing on behalf of respondents has further submitted that the consumer/appellant has suppressed all the aforesaid facts about the passing of aforesaid final order by the Hon'ble Jharkhand High Court and filed this appeal here which is barred by Regulation 19(3) (d) of the aforesaid regulation.

5. On the other hand, the consumer/appellant Shashi Kant Pandey has submitted by filing a zerox copy of Contempt Appeal (C) No. 01 of 2009 dated 16/12/2009 and has further submitted that his Contempt Appeal was

dismissed by the Division Bench of the Hon'ble Jharkhand High Court on the ground that there was no specific direction by the Court and secondly there is no deliberate and intentional violation. According to the consumer/appellant as there was no specific order earlier by the Hon'ble Jharkhand High Court therefore Clause 19(3)(d) of aforesaid regulation is not attracted and therefore his appeal/representation is maintainable by this Forum.

6. I have heard the consumer/appellant Shashi Kant Pandey appearing in person and Learned Counsels of the respondent(s) Shri M.S. Mittal & Shri N.K. Pasari (Advocates). I have also perused Clause 19(3)(d) of the (Guideline for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005. Clause 19(3) (d) of the aforesaid regulation reads as follows:-

“The complaint does not pertain to the same subject matter for which any proceedings before the Commission or any authority/court of law is pending or a decree or award or a final order has already been passed by the Commission or any competent court.”

7. On perusal of the order of the Hon'ble Jharkhand High Court passed in W.P.(C) No. 4612 of 2004 dated 13/3/2007 it transpires that the consumer/appellant had filed the aforesaid writ petition for raising grievance against the private builder and the licensee/JUSCO for not giving him the electric connection in flats Nos. 505, 506 and 507 at 5th floor of Akash Deep Plaza, Golmuri, Jamshedpur which he has claimed to have purchased. Here the consumer/appellant has also filed this representation/appeal for separate fresh connection by the licensee at his purchased flats Nos. 505, 506 and 507

at 5th floor, Akash Deep Plaza, Golmuri, Jamshedpur. On perusal of the aforesaid order of the Hon'ble Jharkhand High Court passed in W.P.(C) No. 4612 of 2004 dated 13/3/2007 it is further found that the Hon'ble Jharkhand High Court has passed a final order in the aforesaid case giving direction to the consumer/appellant while disposing the aforesaid W.P.(C) No. 4612 of 2004. As such the Hon'ble Jharkhand High Court has passed a final order disposing of the aforesaid petition filed by the consumer/appellant for the same relief for which this representation/appeal has been again filed by the appellant which becomes barred under regulation 19(3) (d) of the (Guideline for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005 and therefore this Forum can not proceed further for hearing for the redressal of grievance of the appellant/consumer.

8. Hence, this representation/appeal filed by the appellant/consumer is held to be not maintainable as barred by Clause 19(3) (d) of the (Guideline for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005 and as such this representation/appeal is dismissed at this stage itself.

Let a copy of this order be served on both the parties.

Sd/-
Electricity Ombudsman

