

BEFORE THE COURT OF ELECTRICITY OMBUDSMAN,  
JHARKHAND

4<sup>th</sup> floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001

Appeal No. EOJ/10/2009

Dated- 22<sup>nd</sup> Feb. 2010.

M/s Himadri Steel Pvt. Ltd.

..... Appellant(s)

Versus

JSEB through its Chairman & others

..... Respondent(s)

Present:

Shri Arun Kr. Datta

Electricity Ombudsman

Shri Vijay Gupta, Advocate

Counsel for the Appellant(s)

Shri Rajesh Shankar, Advocate

Counsel for the JSEB

Shri Abhay Prakash, Advocate

Addl. Counsel for the JSEB

ORDER

1. This is an order on condonation petition filed on behalf of the appellant (Consumer) and counter affidavit filed on behalf of the respondents (JSEB) on the point of limitation.

2. It has been submitted on behalf of the appellant (consumer) that the appellant through its authorized officer was making pairvi in the case before the Forum, but the authorized officer of the appellant had contacted the Lawyer about the status of the case on 10/07/2009, but was informed that the matter may take some time. In the mean time, the impugned

order/judgement was delivered on 21/07/2009 about which no immediate information was given to the appellant. In the mean time, the appellant had fallen seriously ill, therefore he could not take the track of the matter and appellant remained under continuous treatment during 24/07/2009 to 20/09/2009. Because of this reason, the appellant could not contact nor get the information regarding the case from the conducting Lawyer before the Forum. Because of the aforesaid reasons, the appellant could not file the memo of appeal in time and ultimately this appeal was filed on 19/10/2009 after delay which was not been caused due to any deliberate action of the appellant. Therefore, it has been prayed on behalf of appellant to condone the delay in filing this appeal.

3. On the other hand, it has been submitted by Learned Counsel appearing on behalf of the respondents (JSEB) that this appeal has been filed before this Forum much after expiry of a period of 60 days from the passing of the order dated 21/07/2009 in case no. 21 of 2008 by Learned VUSNF of JSEB, Ranchi. The Learned Counsel of the respondent has referred the Clause 13 and 19 (3), (b) of the (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman ) Regulation, 2005 and has submitted that in view of Clause 13 of the aforesaid regulation, no appeal can be entertained after the expiry of 60 days from the order of the Forum and in view of Clause 19(3), (b) of the aforesaid regulation, no appeal can be entertained after expiry of 60 days of the receipt of the order. In this case the Order/ Judgement of VUSNF was passed on 21/07/2009 and this appeal has been filed on 19/10/2009/21/10/2009 much beyond the period of 60 days, therefore this

appeal is barred by limitation in view of the Clause 13 and 19 (3), (b) of the aforesaid regulation.

4. On perusal of Clause 13 and 19 (3), (b) of aforesaid regulation it is found that maximum period for filing appeal is 60 days either from the date of order or from the date of the receipt of the order. Condonation of delay of further 30 days is only to be condoned on showing the sufficient reasons for not filing appeal within 30 days, either from the date of the order or receipt of the order but up to maximum period of 60 days only. As such, the limitation period of 60 days can not be extended by this Forum. It will not out of place to mention here that the appellant has taken the ground of illness for condoning the delay in filing this appeal but no medical certificate/medical prescription has been filed. This appeal has been filed on 19/10/2009 / 21/10/2009 after expiry of a period of 60 days, hence this appeal is barred by regulation 13 and 19 (3), (b) of the (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005 and as such this appeal can not be admitted for hearing. Hence, this appeal is dismissed.

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

Sd/-  
Electricity Ombudsman