

Jharkhand State Electricity Regulatory Commission Ranchi

FORM OF PROCEEDING

Case No. 23 of 2012

M/s Krishna Fuels Petitioner
Vrs.

Jharkhand State Electricity Board & Ors. Respondents

Sl.No.	Date of proceeding	Proceedings of the Commission with signature	Office action taken with date
1	2	3	4
23	22.04.2014	<p style="text-align: center;">Shri M.S. Mittal, Advocate and Mrs. Shilpi John, Advocate are present on behalf of the petitioner.</p> <p style="text-align: center;">Shri Saket Upadhyay, Advocate, Shri Ashok Kumar I/C Chief Engineer (C&R), JUVNL and Prabhu Ram EEE (C&R), Circle, Chaibasa are present on behalf of the respondent.</p> <p style="text-align: center;">Learned Lawyer for the respondent Shri Saket Upadhyay requested for time as the counter affidavit of the petitioner was received only on 19th April, 2014</p> <p style="text-align: center;">Learned Lawyer for the petitioner drew attention to the agreement between the petitioner and respondent entered into on 25.03.2009 and more specifically to the second proviso under clause 1(b) of this agreement which states-</p> <p style="text-align: center;"><i>“Provided secondly that in case a consumer does not avail supply even within 6 months of intimation this agreement shall come to an end and the Board will be entitled to realize at once from the consumer 50% of the price of minimum guaranteed unite of consumption plus 50% of monthly demand charges payable on the contract mentioned under item no.4 of the schedule to the agreement for a period of 3 years”</i></p> <p style="text-align: center;">As the petitioner was unable to obtained approval of the JSPCB, he was unable to avail of the power provided by the JSEB from 08.06.2009 onwards as stipulated in the Clause 8 of the agreement dated 25.03.2009.</p>	

		<p>The JSEB in accordance with the second proviso, below clause 1(b) of the agreement, disconnected the petitioner's power supply on 25.09.2009, exactly six months from the date of agreement and exactly as stipulated in the second proviso below Clause 1 (b).</p> <p>The Learned Counsel for the respondent then raised the issue of maintainability of the petition. Section 86(1)(f) of the Electricity Act, 2003 and a Supreme Court judgment state that the State Commission does not have jurisdiction in such matters which relate to billing disputes between a consumer and a licensee. He also stated that till such time as the issue of maintainability is decided upon, he is not in a position to respond to the substantive issues raised by the Learned Counsel for the petitioner.</p> <p>The Learned Counsel for the petitioner thereupon stated that he would make available a copy of a Supreme Court judgment which states that, in cases that relate to non implementation of the State Commission's tariff orders, the State Commission shall have the right to adjudicate even in matters relating to disputes between a consumer and a licensee. The Commission requested the Learned Counsel for the petitioner to please make this judgment available at the earliest and in any case within next seven days.</p> <p>The date for the next hearing shall be fixed after receipt of and scrutiny of the Supreme Court judgment mentioned by the Learned Counsel for the petitioner.</p> <p style="text-align: center;">Sd/- Member (Engg.)</p> <p style="text-align: right;">Sd/- Member (Fin.)</p>	
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