

Jharkhand State Electricity Regulatory Commission, Ranchi
Form of Proceedings

Case No. 08 of 2015

M/s Sri Ram Steels Petitioner
Versus
Jharkhand Urja Vikash Nigam Limited (JUVNL) & Ors Respondents

For the petitioner : Mr. Dhananjay K Pathak, Advocate
For the Respondents : Mr. Navin Kumar and Mr. Amit Sinha, Advocates

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
20	14.09.2016	<p>On the last date the respondents had taken time and submitted that they shall file compliance report within two weeks if no order is passed otherwise by the Hon'ble Appellate Tribunal for Electricity. Prayer was allowed.</p> <p>By order dated 22.8.2016 the respondents' appeal has been dismissed by the Hon'ble Appellate Tribunal for Electricity.</p> <p>The Hon'ble Appellate Tribunal for Electricity while dismissing the appeal has observed that the appellants (respondents herein) have consistently been flouting the order of the Vidyut Upbhokta Shikayat Niwaran Forum and the Ombudsman.</p> <p>The petitioner's statement before the Hon'ble Appellate Tribunal was that they are entitled to a refund of Rs.12,63,446/- from the respondents. The Hon'ble Appellate Tribunal for Electricity while admitting the</p>	

	<p>appeal and condoning the delay had directed the respondents (appellants before APTEL) to deposit a Demand Draft for the sum of Rs.12,64,000/- with the Secretary of the State Commission, with a direction that the said amount shall be invested in any nationalized bank, subject to final order. However, in the final order dismissing the respondents' appeal, no order has been passed regarding refund of the said amount observing that the Commission shall look into the matter and pass order.</p> <p>Learned counsel for the petitioner submitted that even the claim of the respondents against the petitioner is taken as it is, only Rs.27,00,000/- is to be deposited with the respondents. It has been submitted that as far back as on 18.3.2008, learned VUSNF, Ranchi had quashed the entire energy bill right from 2004 and directed the respondents to issue revised bill on the basis of actual demand recorded in the meter. The said order was affirmed by the order dated 4.9.2008 passed by the learned Electricity Ombudsman. Since thereafter the respondents' have been unsuccessfully challenging the order and avoiding compliance of the order on the plea of pendency of one or the other legal proceeding(s). The respondents had also challenged the order of this Commission before the Hon'ble Appellate Tribunal for Electricity whereby they were directed to comply with the order.</p>	
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		<p>Learned counsel for the petitioner further submitted that the respondents have not complied with the order of the Forum, as well as, of the Ombudsman, in spite of the dismissal of the appeal by the Hon'ble Appellate Tribunal for Electricity with a serious remark of flouting the orders by them.</p> <p>Learned counsel for the petitioner submitted that the respondents have been leisurely flouting the orders at the cost of complete shutdown of the petitioner's industry due to disconnection of electricity since 2011, causing them irreparable loss and injuries. Learned counsel submitted that though there is no issue remains to be decided after a long contest in the matter before different Fora, if any further hearing is desired in the matter, the same may be done by allowing the petitioner to run their industry by directing the respondents to give electricity connection in the industry.</p> <p>Learned counsel for the respondents, on the other hand, again prayed for four weeks time on the ground that the matters involving the identical issues are still pending before the Hon'ble Supreme Court and further time be granted awaiting final decision in the said matters.</p> <p>Having heard learned counsel for the parties and considered that for the present decisions by the learned VUSNF, learned Ombudsman and the order of compliance passed by this Commission and decision in</p>	
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the appeal, by the Hon'ble Appellate Tribunal for Electricity against the order of the Commission have been in favour of the petitioner, whereas the respondents want time in view of the pendency of similar issues before the Hon'ble Supreme Court, according to them, further four weeks time, as prayed for by the respondents, is allowed with further term that if the petitioner deposits with the respondents Rs. 30,00,000/- (Rupees thirty lakhs), the respondents shall give electricity connection to the petitioner within two weeks to enable the petitioner to run the closed industry.

The said amount shall be subject to adjustment as per the final decision of this case.

Put up on 19.10.2016 at 2.30 PM.

Sd/-
Member (E)

Sd/-
Chairperson