

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. Shashi Kant Mishra, Advocate

For the Respondents : None

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
25	27.12.2016	<p>This case relates to non-compliance of the order dated 18.3.2008 passed by learned VUSNF, Ranchi, affirmed by order dated 4.9.2008 passed by learned Ombudsman as also the order of the Commission dated 9.5.2014 passed in Complaint Case No.05 of 2013.</p> <p>Learned VUSNF, Ranchi by its order dated 18.3.2008 had quashed the energy bills right from 2004 served on the petitioner and directed the respondents to issue revised bill on the basis of actual demand recorded in the meter.</p> <p>The respondents challenged the said order before the learned Electricity Ombudsman. The said order was affirmed by learned Electricity Ombudsman by his order dated 4.9.2008.</p> <p>The respondents, thereafter, unsuccessfully challenged the said order before different Fora. They also</p>	

filed an appeal against the order of the Commission before Hon'ble Appellate Tribunal for Electricity (APTEL). While admitting the appeal of the respondents, Hon'ble Appellate Tribunal for Electricity had directed the respondents to deposit a sum of Rs.12,64,000/- keeping in view of the petitioner's claim that they are entitled to get a sum of Rs.12,63,446/- from the respondents. The Hon'ble Appellate Tribunal for Electricity had directed to deposit the said sum with the Secretary of this Commission observing that the amount shall be invested in any nationalized Bank, subject to final order. The appeal of the respondents was dismissed by the Hon'ble Appellate Tribunal for Electricity, but no order regarding release of the said amount was passed. It was observed that the Commission shall look into the matter and pass order.

This application was filed in 2014, complaining non-compliance of the aforesaid order. Since then several adjournments have been taken by the respondents on one ground or the other. Though directions were given to the respondents to comply with the order and file report of compliance, nothing has been done till date. When the case was listed on 29.11.2016, the respondents again sought an adjournment for complying with the order. By order dated 29.11.2016, time was again granted till 26.12.2016 to the respondents to comply with the orders, with observation that if the above order is not complied

with within the said period, it will be deemed that the respondents accepts the petitioner's claim of refund of Rs.12,63,446/- and the amount deposited by the respondents i.e Rs. 12,64,000/- along with any proceeds accrued thereon shall be released in favour of the petitioner. It was also made clear that the said order shall be in addition to the penal consequences for non-compliance of the order and liability of the erring officials of the respondents. The case was fixed for today.

When the matter is called out today no body appeared on behalf of the respondents. Neither any step has been taken on their behalf.

Learned counsel for the petitioner submitted that the respondents have no respect for the rule of law and they have been willfully defying the order of the Forum, Ombudsman and the Commission. They are liable for deterrent penal consequences. Learned counsel submitted that the petitioner is also entitled for the release of the amount in its favour in the light of the order of the Commission dated 29.11.2016.

Having heard learned counsel for the petitioner and perused the record, we are of the opinion that the respondents have been willfully contravening the order of the Commission and have made themselves liable for penal consequences as per the provisions of law. Since the respondents failed to file compliance report as directed by order dated 29.11.2016, the amount for

refund as claimed by the petitioner deemed to be admitted by the respondents and becomes payable to the petitioner.

Learned counsel for the petitioner submitted that the petitioner's claim of refund is Rs.12,63,446/- but they are entitled to get the refund of the said amount with interest at the Bank rate. Learned counsel sought three weeks' time for submission of calculation of the interest accrued on the sum payable to the petitioner. Learned counsel prayed for release of the amount deposited by the respondents in favour of the petitioner, in the meanwhile.

Considering the said submissions, time as prayed for on behalf of the petitioner is allowed.

The petitioner is directed to furnish a bond by way of security for release of the said amount in their favour.

The petitioner is also directed to furnish the specific name(s) and address(s) of the erring officials of the respondents, liable for the penal consequences for non-compliance of the order.

Put up on 23.01.2017 at 2.30 PM.

Sd/-
Member (E)

Sd/-
Chairperson