

**Jharkhand State Electricity Regulatory Commission, Ranchi**  
**Form of Proceedings**  
**Case No. 10 of 2015.**

M/S. Khalari Cement Limited      ...    ...    ...    ...    Petitioner  
Versus  
Damodar Valley Corporation and another    ...    ...    ...    Respondents.

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
06.	06.08.2015.	<p>For the Petitioner : Ms. Ranjana Mukherjee, Advocate.  For the Respondents: Mr. P.K. Singh, Advocate.</p> <p style="text-align: center;">---</p> <p>The petitioner has filed complaint against the respondent-DVC for not complying with the order dated 13.10.2014 whereby the respondent was directed to calculate man-hours for estimation of the cost of the works to be constructed and, after deduction of cost, to pay the balance amount.</p> <p>The respondents in their reply have taken plea that against the said order they have filed writ petition in the Hon'ble High Court and, as such, this case be kept in abeyance.</p> <p>Learned counsel for the petitioner submitted that statutory appeal is provided under section 111 of the Electricity Act, 2003, against the order of the Commission, for which period of limitation is forty five days. Since the said order is appealable and appeal has not been filed, the</p>	

2.

order is binding on the respondents. In view of the provision of statutory appeal and effective alternative remedy, the writ petition is not maintainable, yet the same has been filed after getting knowledge of the instant complaint only to take a frivolous plea for evading the order of the Commission.

Having considered the facts on record and submission of the parties, we find force in the submission of the petitioner. The respondents have not yet filed appeal though the order is appealable under section 111 of the Electricity Act. After a long time and after the complaint is filed by the petitioner, the respondents have hastened to file a writ petition. Earlier the respondents had taken time but till date the order dated 13,10,2014 has not been complied with.

Non-compliance of the said order attracts penal consequences under sections 142/146 read with section 149 of the Electricity Act against the person(s) who are in the charge of and responsible to the conduct of the business of the respondents. However, their name (s) and address (es) have not been disclosed.

The respondents are directed to furnish name(s) and address (es) of the Chairperson/ members of management/ officers of the Damodar Valley Corporation who is/are in the charge of the Corporation and responsible to the conduct of its business and is/are liable for penal consequences, for non-compliance of the aforementioned order of the Commission.

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Put up on 31<sup>st</sup> August, 2015.

Sd/-  
Member (F)

Sd/-  
Chairperson