

**Jharkhand State Electricity Regulatory Commission  
Ranchi**

**Form of Proceedings**

**Case No. 04 of 2020**

M/s Gautam Ferro Alloys .....Petitioner

Versus

Jharkhand Bijli Vitran Nigam Ltd. &Ors. .... Respondent

**CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA, CHAIRPERSON  
HON'BLE MR. MAHENDRA PRASAD, MEMBER (LAW)  
HON'BLE MR. ATUL KUMAR, MEMBER (TECH)**

For the Petitioner : Mr. N.K.Pasari, Advocate

For the Respondent : Mr. Srijan, Advocate

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
15	20.12.2022	<p>Case called out.</p> <p>Learned Counsel for the Petitioner drawn the attention of the Commission towards the annexure-I of its petition that is the Order dated 28.05.2019 of the Electricity Ombudsman in which Respondents were directed to revise the energy bills from the date of the Connection after granting of proportionate reduction in monthly maximum demand charge with simple interest @ SBI for the said period on the amount paid under protest within three months from the date of the order, failing which, the said amount was to be realised by the appellant through the process of law.</p> <p>Learned Counsel has further drawn attention to Clause 26 of JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulation, 2021 and pointed that the non compliance of the of the Orders of</p>	

CGRF/Ombudsman, as the case may be, shall be deemed to be violation of these Regulations and will be liable for appropriate action by the Commission under Section 142, or 146 read with Section 149 of the Electricity Act, 2003. He further submitted that the Respondent no. 4 has not complied with the orders of the Electricity Ombudsman till date, as such necessary orders are required to be passed u/s 142 of the Electricity Act, 2003.

On behalf of the Respondent, Learned Counsel Mr. Mrinal Kanti Ray has filed an affidavit stating that the Writ Petition pending before the Hon'ble Jharkhand High Court was mentioned on 05.12.2022, and the same was put up on 13.12.2022 for hearing but due to paucity of time, the same could not be taken up and the Hon'ble Court was pleased to put up the case on 19.12.2022 but again same could not be taken up on 19.12.2022 and is currently put up on 14.02.2023 as per the web status. He further submitted that they have filed the appeal W.P.(C) no. 3844/2019 before the Hon'ble Jharkhand High Court immediately after passing of the Order dated 28.05.2019 by the Electricity Ombudsman but unfortunately the appeal has not been taken up till date .

On the above ground, Learned Counsel for the Respondent prayed to wait for the Order from the Hon'ble High Court in W.P.(C) no. 3844/2019.

Learned Counsel for the Petitioner relied upon the Judgement of the Hon'ble Supreme Court passed in Kerala State Electricity Board Vs M.R.F. Limited and ors. 1996 (I) SCC 597 and submitted that mere filing an appeal does not bar an order for execution unless and until a specific order of stay has been granted by the superior/competent court, as

such, necessary order is required to be passed u/s 142 against the erring officer.

Learned Counsel for the Respondent submitted indulgence and prayed for last chance to bring stay from the Hon'ble High Court of Jharkhand.

On the prayer of the Learned Counsel for the Respondent, list this case on 17.01.2023 at 2.00pm.

It is hereby made clear that if the order of the Electricity Ombudsman is not complied with or stayed by Hon'ble High Court then necessary action will be taken by this Commission u/s 142 of the Electricity Act, 2003.

Sd/-  
Member (T)

Sd/-  
Member (L)

Sd/-  
Chairperson