

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C)No.4545 of 2010

M/s Usha Martin Limited.Petitioner

-Versus-

1. Jharkhand State Electricity Board, Engineer Bhawan, HEC, Dhurwa, Ranchi through its Chairman.
2. The Chief Engineer (commercial & Revenue), Jharkhand State Electricity Board, Dhurwa, Ranchi.
3. The General Manager-cum-Chief Engineer, Ranchi Electric Supply Area, Jharkhand State Electricity Board, Kusai Colony, Doranda, Ranchi.
4. The Electrical Superintending Engineer, Electric Supply Circle, J.S.E.B., Kusai Colony, Doranda, Ranchi.
5. The Electrical Executive Engineer, (Commercial & Revenue) Electric Supply Area, J.S.E.B., Kusai Colony, Doranda, Ranchi.
6. The Jharkhand State Electricity Regulatory Commission, Rajendra Jawan Bhawan-cum-Sainik Bhawan, Main Road, Ranchi through its Secretary.Respondents

CORAM: HON'BLE MRS. JUSTICE POONAM SRIVASTAV

For the Petitioner: Mr. M.S.Mittal, Sr. Advocate.

Mr. N.K.Pasari, Advocate.

For the J.S.E.B.: Mr. Rajesh Shankar, Advocate.

For the J.S.E.R.C.: Mr. S. Shrivastava, Advocate.

07/ 07.09.2011 Heard Sr. Advocate Mr. M.S. Mittal, assisted by Mr. N.K.Pasari, Advocate and Mr. Rajesh Shankar appearing on behalf of the J.S.E.B. as also Mr. S. Shrivastava, appearing on behalf of the J.S.E.R.C.

The controversy involves regarding an order passed by the Jharkhand State Electricity Regulatory Commission dated 21st August, 2010 refusing to entertain the petitioner's application filed under clause 16 of the JSERC (Conduct of Business Regulation) Order, 2003.

The submission is that the Regulatory Commission entertained the application filed on behalf of the petitioner and a letter dated 22nd July, 2010 has been demonstrated to substantiate that the application filed by the petitioner was entertained but subsequently at the time of decision the questions involved were not decided on merits relegating the petitioner to Vidyut Upbhokta Shikayat Niwaran Forum. The dispute is regarding grant of voltage rebate in the monthly energy bill in respect of tariff schedule effective from 1st May, 2010 issued by the Jharkhand State Electricity Regulatory Commission.

Counter-affidavit was invited and the petition was pending for a long time.

2.

A counter-affidavit has been filed raising preliminary objection, which I am inclined to agree and therefore I dispose of this writ petition and permit the petitioner to approach the Forum.

Learned Counsel on behalf of the petitioner states that he shall file objections within a period of 15 days. In the event it is preferred within the aforesaid period, the Forum shall decide the matter within a period of 4 weeks thereafter by means of a speaking order.

It is made clear that the prescribed period should be adhered to resolve the dispute without granting undue adjournments and in the event adjournment has to be granted with reasons to be recorded in writing. The petitioner shall be given an opportunity of hearing.

[Poonam Srivastav,J.]

PK.S.