

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C). No. 810 of 2007**

M/s Kumardhubi Steel Pvt. Ltd. Petitioner
Versus
Jharkhand State Electricity Regulatory Commission & ors ... Respondents

CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

For the Petitioner : Mr. Dhananjay Kr. Pathak & Mr. Saket Upadhayay
For the Respondents : Mr. Sudarshan Srivastav & Mr. Mukesh Kr. Sinha

03 /21.09.2012 Heard learned counsel for the parties.

In the instant writ petition, petitioner has moved this court with a specific prayer to direct the respondent no.3 and 4, General Manager cum Chief Engineer, Dhanbad, Electricity Supply Area, Electrical Superintendent Engineer, Electricity Supply Circle, Saraidhela, Dhanbad to implement and act upon the order dated 22.11.2006 passed in Case No. 43 of 2006 by the 'Vidyut Upbhokta Sikayat Niwaran Forum'. As per the submission of the learned counsel for the petitioner, after passing of this order contained at Annexure-2, although the orders have been implemented but even the current bills are reflecting the amount in question with a remark that they are kept in abeyance.

The dispute is in relation to the maximum demand charge, which the Forum has ordered, is required to be raised on the basis of actual demand recorded in the meter for the period in question.

Learned counsel for the respondent No.1 - Commission submits that now under the amended Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer and Electricity Ombudsman Regulation, 2011 notified in the extraordinary gazette of the Jharkhand on 9th November, 2011, the provision under Regulation 13(6) stipulates that the distribution licensee/ complainant shall implement the decision of the Forum within the time frame specified in the order and compliance reported to the Forum within seven days of the implementation of the order. Further under the Regulation 14 the licensee or any consumer aggrieved by an order of the Forum(s) may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of receipt of the

order in the prescribed form and manner and lastly under the Regulation 26 it is stated that the non-compliance of the orders of CGRFs/ Ombudsman shall be deemed violation of these regulations and will be liable for appropriate action by the Commission under Section 142,146 read with Section 149 of the Electricity Act, 2003.

All the aforesaid provisions(Regulations) are quoted herein below:-

Regulation 13(6):- The distribution licensee/ complainant shall implement the decisions of the Forum within the time frame specified in the order and compliance reported to the Forum within seven days of the implementation of the order.

Regulation 14(Appeal):- The licensee or any consumer aggrieved by an order of the Forum(s) may prefer an appeal against such order to the Electricity Ombudsman within a period of thirty days from the date of receipt of the order, in such form and manner as may be laid down in these Regulations.

Regulation 26(Non-Compliance of the orders of CGRFs /Ombudsman):- The non-compliance of the orders of CGRFs/ Ombudsman, as the case may be, shall be deemed 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.

It is submitted on the basis of above Regulations of the Commission that now there is no requirement to move before the Ombudsman for implementation of the order and the licensee under the order of the Forum are required to implement the same in the manner indicated herein above. In the circumstances, grievances of the petitioner are required to be redressed by the licensee i.e. Officials of the Board concerned in the manner stipulated in the regulation and if the grievances of the petitioner is not implemented, he may take steps by bringing it to the notice of the Commission.

In view of the aforesaid legal position, this writ petition is disposed of with a liberty to the petitioner to bring to the notice of the Commission in case the orders of the Forum have not been implemented.

(Aparesh Kumar Singh, J.)