

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

Case No. 19 of 2011

Shri **MUKHTIAR SINGH**, Chairperson
Shri **T. MUNIKRISHNAIAH**, Member (E)

Date: **2nd July 2011**

ORDER

M/s Shivam Iron & Steel Co. Limited Petitioner

Versus

Damodar Valley Corporation & Others Respondents

For the Petitioner: Shri Nitin Kumar Pasari, Advocate
Shri Sudhir Kumar Singh, Advocate

For the Respondents:

Shri Rakesh Kumar Shahi, Advocate
Shri Prashant Kumar Singh, Advocate with
Shri Abhijit Chandra, SE(E), Comml. DVC
Shri Pravakar Seni, Law Officer, DVC
Shri P.K. Chaudhuri, CE (Comml.), DVC
Shri A. Nayak, CE(CLD), Maithon, DVC

1. The petitioner-M/s Shivam Iron & Steel Company Limited has filed the petition under consideration for a direction to the respondents-DVC to grant forthwith the electrical connection to the petitioner's premises for which the necessary formalities have been completed. The petitioner has submitted that the respondents-DVC has rejected its application for new power connection on the ground of poor power generation vide their letter No. 3804 dated 5.4.2011 (Annexure-2). The petitioner states that the respondents-DVC is duty bound to supply electricity to the petitioner in view of Section 43 of the Electricity Act, 2003 and JSERC (Electricity Supply Code) Regulations, 2005.

2. On the other hand, the respondent-DVC appeared and filed Counter Affidavit stating, inter-alia, that due to shortage of power they are not in a position to supply the electricity to the petitioner and added that there are already 172 applications pending with them for taking power supply from DVC and as such they are not accepting applications for new power connection. The respondents-DVC has further stated that the petitioner has purchased an old unit which was running in the name and style as M/s Laxmi Ispat Udyog but the petitioner has not disclosed about the status of its electric connection and as such the petitioner should be directed to disclose whether either the petitioner has cleared the electric bill of the earlier licensee or not then only the petitioner will have a right to file such petition. On these grounds it has been prayed to dismiss the petition of the petitioner.

3. Heard the two sides.

4. Section 43 of the Electricity Act, 2003 speaks about the grant of electricity connection to the premises of the applicant. It says that the licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply. The proviso to the said Section 43 of the Act says that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission.

5. In view of the above legal position, the respondents-DVC cannot refuse supply of electricity to the petitioner. The letter dated 5.4.2011 (Annexure-2) refusing to grant electricity to the petitioner is set aside and the respondents-DVC is directed to supply electricity to the premises of the

petitioner. However, if the respondents-DVC requires time for extension of distribution mains or commissioning of new sub-stations, it may file a separate petition before the Commission.

6. With the above observations, the petition of the petitioner is disposed of.

7. Let a copy of this order be sent to both the parties.

Sd/-
(T. Munikrishnaiah)
Member (E)

Sd/-
(Mukhtiar Singh)
Chairperson