

**Jharkhand State Electricity Regulatory Commission**  
**Ranchi**  
**Form of Proceedings**  
**Case No. 03 of 2014**

**Dated: 1<sup>st</sup> September, 2014**

**Quorum:** Hon'ble Mr. T. Munikrishnaiah , Member (Engineering)  
Hon'ble Mr. Sunil Verma, Member (Finance)

M/s Bihar Foundary & Casting Limited. .... Appellant(s)  
Vrs.  
Damodar Valley Corporation & Ors. .... Respondent(s)  
Counsel for the Appellant(s) : Mr. N.K. Pasari  
Mr.Sudhir Singh  
Counsel for the Respondent : Mr. Prashant Kumar Singh

**ORDER**

The petitioner M/s Bihar Foundary & Casting Limited, Ramgarh Industrial area, Marar, District-Ramgarh (Jharkhand) has filed this case against M/s Damodar Valley Corporation and prayed for following reliefs:-

1. To direct the respondents towards adjustment/refund of the excess capacity charges realized by DVC for the period May 2010 to October 2012 as per section 5(3) and 5(4) of CERC Regulations, 2009.

**Views of the Commission:**

Heard the arguments of Learned Counsel of both the parties.

The Commission examined the case of the petitioner with a view to decide whether this case falls within the jurisdiction of the Commission.

The relevant portion of the JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer and Electricity Ombudsman) Regulation, 2011 states as follows:

Section 2(e) “Complaint” means any grievance, in writing made by a complainant that:

- (i) There exists defect or deficiency in electricity service provided by the Distribution licensee;
- (ii) An unfair or restrictive trade practice has been adopted by the Distribution licensee in providing electricity services;
- (iii) The Distribution licensee has charged a rate in excess of that fixed by the Commission for supply of electricity and related services;
- (iv) The Distribution licensee has recovered expenses in excess of charges approved by the Commission, for providing any electric line or electric plant or electric meter;
- (v) The electricity services provided by the Distribution licensee is unsafe or hazardous to public life and is in contravention to the provisions of any law in force;
- (vi) The non-achievement of Standard of performance by the Distribution Licensees as laid down by the Commission in JSERC (Distribution licensee’ Standard of Performance) Regulations and payment of compensation thereof to the consumers for default in each case.

Section 2 (h): “Consumer dispute” means a dispute where the person/licensee against whom complaint has been made denies or disputes the allegation contained in the complaint.

As per the above, the claim of the petitioner falls under section 2(e)(iii) and (iv). These two sections clearly specify that a dispute regarding payment of electricity charges as per the tariff fixed by the Commission will be dealt by respective Consumers Grievances Redressal Forum for adjudication.

2. As per the functions laid down in the I.E.Act, 2003 the petition of the petitioner does not fall under the jurisdiction of the Commission.

The relevant section of the Act is quoted below:

Section 86(1)(f)“adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration.”

The present petition is a dispute between a consumer and a licensee. The petitioner is claiming the difference of amount paid towards capacity charges raised by the respondent DVC as per the provisional and final tariff issued by CERC.

The petitioner is accordingly directed to approach the respective Consumer Grievances Redressal Forum for adjudication upon its grievance.

Sd/-  
Member (Engg.)

Sd/-  
Member (Fin)