

**IN THE JHARKHAND STATE ELECTRICITY
REGULATORY COMMISSION AT RANCHI**

Case No. 08 of 2017

M/s Rishi Cement Company LimitedPetitioner
Versus
Jharkhand Bijli Vitran Nigam Limited (JBVNL) &Ors. Respondents

**CORAM: HON'BLE DR. ARBIND PRASAD, CHAIRPERSON
HON'BLE MR. R.N. SINGH, MEMBER (ENGG.)
HON'BLE MR. PRAVAS KUMAR SINGH (LEGAL)**

For the Petitioner : Mr. Deepak Sinha, Advocate
For the Respondents : Mr. Navin Kumar, Mr. Amitabh and Mr. Amit Sinha,
Advocates

ORDER

Dated: 24th July, 2019

Heard the Learned Counsels for both the parties.

Perused the record.

The case No. 08/2017 is brought by the petitioner M/s Rishi Cement Co. Ltd as a follow up to the order passed on 29.11.2016 by this Commission in Case No. 01/2012 M/s Rishi Cement Company Ltd. vs. Jharkhand State Electricity Board Subsequently Jharkhand Bijli Vitran Nigam Ltd. - JBVNL (Original JSEB , now JBVNL)

For convenience we would be referring to these two cases as original Case No. 01/2012, and subsequent case No. 08/2017 respectively.

The original Case No. 01/2012, were initiated under Clause 26 of the JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer and Electricity Ombudsman) Regulation, 2011. by the petitioner M/s Rishi Cement Company Ltd. for action against the JSEB for non-compliance of the order passed by the VUSNF (Vidyut Upbhokta Sikayat Niwaran Forum), Ranchi in Case No. 05/2010, and subsequently confirmed by Learned Ombudsman vide their order dated 30th September 2011 in appeal No. EOJ/03 of 2011.

During hearing in this case in the Commission, it transpired that there was lack of clarity regarding the exact amount to be paid in above orders.

As such this Commission appointed M/s Ajoy Chhabra & Company, a local Chartered Accountant firm, for the purpose of evaluation of the accounts submitted by the parties, and passed the following order on 29.11.2016 :-

“After the final evaluation of the billing statements, the dues/liability worked out by the Chartered Accountant shall be discharged by the respective party within two months thereafter.

With the above direction, the case is disposed off.”

M/s Ajoy Chhabra & Company was to complete this exercise by 31.03.2017. However, they requested this Commission for extension of time for finalizing their evaluation report on several occasions as parties took time to submit complete documents. The said Chartered Accountant submitted its report on 29.10.2018 and 18.01.2019.

In an interim order, this Commission had also directed JSEB(now JBVNL) to give temporary electric connection of 15 KW to the petitioner.

Since the final disposal of original petition was taking long time, the petitioner filed the subsequent petition 08/2017 for the following relief: -

“(I) for a direction to the respondents to continue with the electric connection of the petitioner given in pursuance of the orders dated 19.07.2016 and dated 20.09.2016 passed by this Hon'ble Commission in Case No. 01 of 2012 for further one more year; and

(II) Pass such other order or orders as this Hon'ble Commission deem fit and proper under the facts and circumstances of this case;”

The direction for the temporary connection and subsequent extension of the temporary connection has already been complied with. As such the petition No. 08/2017 is now in-fructuous and accordingly it is disposed off.

In the original case No. 01/2012, this Commission has already passed the final order requiring the parties for discharging their liabilities within two months of submission of the evaluation report by the Chartered Accountant M/s Ajoy Chhabra & Company. The Respondent raised some issues regarding the amount to be paid by the petitioner. Since, the Commission has already passed a final order on 29.11.2016

requiring the parties to discharge their liabilities as per the evaluation report of the Chartered Accountant, we are not inclined to go into objections raised by the Respondent at this stage. The deposit of the amount as determined by M/s Ajoy Chhabra, by the petitioner to the respondent will deemed to be final compliance of the order of the Commission dated 29.11.2016, and discharge of liabilities by the petitioner to the respondent.

Sd/-

Pravas Kumar Singh
Member (Legal)

Sd/-

Rabindra Narayan Singh
Member (Engg.)

Sd/-

Dr. Arbind Prasad
Chairperson