

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION  
RANCHI**

Case No. **27** of **2010**

Shri **Mukhtiar Singh**, Chairperson  
Shri **T. Munikrishnaiah**, Member (Tech)

Dated: 7<sup>th</sup> January 2011

**ORDER**

IN THE MATTER OF

M/s Fertilizer Corporation of India Limited, Sindri ..... Petitioner

Versus

Jharkhand State Electricity Board & Ors. .... Respondents

Counsel for the Petitioner: Shri Jyoti Prasad Sinha, Advocate

Counsel for the Respondents: Shri Rajesh Shankar, Advocate with  
Shri Abhay Prakash, Advocate &  
Shri Bivash Chandra Pal, EEE, JSEB

1. The petitioner-M/s Fertilizer Corporation of India Limited (hereinafter referred to as “petitioner-FCIL”) has filed the present petition under clause 16 of the JSERC (Conduct of Business) Regulations, 2003 read with clause 5.3 (b) of the JSERC (Electricity Supply Code) Regulations, 2005 (hereinafter referred to as “Electricity Supply Code Regulations”) praying therein that the respondent-Jharkhand State Electricity Board (hereinafter referred to as “respondent-JSEB”) be directed to strictly follow the provisions of clause 5.3 of the Electricity Supply Code Regulations.

2. It has been stated in the petition that the petitioner-FCIL is a Government company engaged in the business of manufacturing and marketing fertilizers and industrial chemicals. It has been pointed out in

the petition that the Government of India in September 2002 approved closure of all the Fertilizer manufacturing units of the petitioner-FCIL including the Sindri unit. Accordingly, the operation of the Sindri unit of the petitioner-FCIL was closed and almost all the employees were released under the Voluntary Separation Scheme (VSS) in December, 2002. It has been made out in the petition that the respondent-JSEB is giving electricity connections to the unauthorized occupants of the accommodation of the petitioner-FCIL and that too without any No Objection Certificate from them.

3. The respondent-JSEB has filed counter affidavit and have questioned the jurisdiction of this Commission in entertaining the petition, in question. The respondent-JSEB says that the petition is not maintainable either in law or facts as the petitioner-FCIL has not raised any issue, which may invoke any jurisdiction conferred to this Commission for adjudication of the same under the Electricity Act, 2003.

4. The parties were heard at length.

5. Before going into the merits of the case it is necessary to answer the question of lack of jurisdiction of this Commission. The petitioner-FCIL heavily relied on Clause 5.3 of the Electricity Supply Code Regulations, which is reproduced below:

*5.3 The applicant shall furnish, along with application for requisition of electricity supply following documents:*

*a) Two photographs affixed one each in the duplicate copies of the application form;*

*b) Proof of legal occupancy in the form of copies of sale deed or partition deed or succession certificate or power of attorney or lease/rent agreement or allotment order in case of agricultural connection "Khata nakal" giving khesar no.*

*c) In case of a partnership firm, partnership deed, authorization in the name of the applicant for signing the requisition form and agreement.*

*d) In case of Public and/or Private limited Company, Memorandum and Articles of Association and Certificate of incorporation together with an authorization in the name of the applicant for signing the requisition form and agreement;*

*The licensee may ask for the original documents from the consumer for verification.*

6. On the other hand the respondent-JSEB, during the course of argument, pointed out to Section 86 of the Electricity Act, 2003 and submitted that the Commission does not have any jurisdiction to entertain the petition, in question, and as such, the petition should be rejected on the ground of jurisdiction itself.

7. A perusal of clause 5.3 of the Electricity Supply Code Regulations, which has been reproduced above shows that the licensee, while giving electricity supply to the applicants, will keep in mind the proof of legal occupancy in the form of copies of the sale deed or partition deed or succession certificate or power of attorney or lease/rent agreement or allotment order or in case of agricultural connection “Khata nakal” giving khesar number. As per this clause the licensee is supposed to verify the genuineness of the applicant for the electricity supply connection.

8. But here the question is about the jurisdiction of this Commission. Section 86(1)(f) of the Electricity Act, 2003 reads as under:-

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

9. Admittedly, the petitioner is neither a licensee nor a generating company and as such does not fit in in Section 86(1)(f) of the Electricity Act, 2003, which empowers the Commission to adjudicate. The functions of this Commission have been enumerated in the aforesaid section of the Electricity Act, 2003. A perusal of the entire section shows that the petitioner-FCIL's petition does not fit in in any of the provisions of this Section. Therefore, in view of the above legal position, the petition of the petitioner-FCIL is beyond the jurisdiction of this Commission.

10. True, the petitioner-FCIL has a problem and there is a provision in the Regulations for verification of the genuineness of the person applying for the electricity connection. But for such complaints there are other Forums where the petitioner-FCIL can take up the issue.

11. In view of the above, the petition of the petitioner-FCIL is rejected for being without jurisdiction.

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

Sd/-  
(Mukhtiar Singh)  
Chairperson