

Territorial Jurisdiction: State of Jharkhand

## **AUTHORITY OF THE ELECTRICITY OMBUDSMAN : JHARKHAND**

Present: Gopal Kumar Roy  
Electricity Ombudsman  
2<sup>nd</sup> Floor, Rajendra Jawan Bhawan  
Main Road, Ranchi- 834001.

Dated- Ranchi, the 28th day of November, 2024

### **Appeal No. EOJ/08 of 2024**

(Arising out of judgment passed in Case No: 04/22 by the VUSNF, Dhurwa at Ranchi)

M/S Narrow Structures Pvt. Ltd. having registered address at Shop No. 13 Nidhivan CHS Ltd. Plot No. 166, Upper Gobind Nagar, Malad (East) Mumbai through its authorized signatory Anil Kumar Jha, S/O Sri Ashok Jha, presently residing at Plot No. 33(P) 34, 35 & 36 respectively in the Tupudana Industrial Area Ranchi, Situated in Village Pugru, P.O. + P.S. : Hatia, Distt. : Ranchi, Jharkhand. -----PETITIONER

### **Versus.**

1. Jharkhand Bijli Vitran Nigam Limited through its Chairman, office at Engineers Building, H.E.C. Township, P.O. & P.S. : Dhurwa, Ranchi, Jharkhand-834004
2. General Manager-cum- Chief Engineer, Electricity Supply Area, Kusai Colony, P.O. & P.S. : Doranda, Ranchi-834002
3. Electrical Superintendent Engineer, Electricity Supply Circle, Kusai Colony, P.O. & P.S. : Doranda, Ranchi – 834002

4. Electrical Executive Engineer, Electricity Supply Division, Kusai Colony, P.O. & P.S.:  
Doranda, Ranchi – 834002

5. Assistant Electrical Engineer, electric Supply Sub – Division, Tupudana, Ranchi

6. Junior Electrical Engineer, Electric Supply Section, Tupudana, Ranchi

----- Respondents

Counsel/Representative

On behalf of Appellant:      Mr. Anil Kumar Jha, Advocate  
   Mr. Arpit Kumar, Advocate  
   Mr. Ankitesh Kumar Jha, Advocate  
   Ms. Aparna Dubey, Advocate

On behalf of Respondents : None (record is at the stage of admission)

**ORDERS**

1. The consumer M/S Narrow Structures Pvt. Ltd. has filed this representation for compliance of order dated 31.8.2023 passed by the learned Vidyut Upbhokta Shikayat Niwaran Forum (hereinafter shall be referred on VUSNF), Ranchi passed in Case No. - 4 of 2022 on 31.8.2022.

**2. Consumer's representation before Electricity Ombudsman :**

The Petitioner/ consumer has prayed for the initiation of proceedings in light of non-compliance of Order passed by the Learned Vidyut Upbhokta Shikayat Nivaran Forum, Durwa, Ranchi (hereinafter referred to as the 'VUSNF' Dhurwa') in Case No. 04 of 2022 on 31.08.2023 by the Respondents. The cause of action has arisen within the territorial jurisdiction of this Authority and as such the cause of action for

initiation of proceedings has arisen as the Order passed by the learned VUSNF has not been complied with to this date, i.e., even after a lapse of more than 3 months.

The Learned VUSNF, after looking into the facts and circumstances of the case and after looking into the contents of the application and after appreciating the contentions and the documents brought on record by the Parties directed the Respondents, vide Order dated 31.08.2023 in Consumer Case No. 04 of 2022. The Petitioner also made representation before the Respondent No. 2 for compliance of the said order vide Representation dated 20.9.2023 for grant of fresh electrical connection pursuant to order dated 31.08.2023 passed by the Learned VUSNF but to this date, no action has been taken in that regard while the Petitioner, even after purchasing the property through auction and investing a huge amount in the same is unable to recover his investment due to lack of electrical connection which is causing irreparable damage to the Petitioner. The Learned VUSNF, looking into the losses being incurred by the Petitioner and the urgency of the matter had passed necessary orders for granting fresh electrical connection to the Petitioner within three weeks from the date of receipt of the order, although, despite of a lapse of months, no connection has been given despite approaching the Respondent No. 2 & other Respondents on several occasions. The Petitioner has already complied with the conditions for approaching this Hon'ble Forum as stipulated under Section 20 of Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020. The entire action on the part of the Opposite Parties is willful disobedience to the order passed by the Learned VUSNF, and therefore they are liable to be proceeded in accordance with process established in law.

A prayer is made to direct the opposite parties to comply with the order of Learned VUSNF, Dhurwa passed in Case No. 04 of 2022 on 31.8.2023.

### **3. Relief sought for before the Learned VUSNF by the consumer**

The petitioner consumer had filed Consumer Case No. 4 of 2022 before the Vidyut Upbhokta Shikayat Nivaran Forum, Durwa, Ranchi for the following relief(s) :-

(a) For direction upon the respondent to grant fresh electrical connection for a contract demand of 40 KW, under the Low – Tension Industrial Services category which has illegally been rejected on 17.12.2021 on the ground of dues amount of erstwhile lessee as being gathered by the status uploaded by the respondents on 17.12.2021,

(b) To hold and declare that the Respondents cannot deny electrical connection to an auction purchaser in view of the decision rendered in the matter of Isha Marbles v. BSEB reported in (1995) 2 SCC 648,

(c) The Petitioner further prays for a direction upon the Respondents for making payment of compensation amount on account of their failure to meet the standard of performance as set by Jharkhand State Electricity Regulatory Commission (JSERC) and appropriate direction be issued upon the Respondents to recover the compensation amount which may be awarded to the Petitioner from salaries of erring officials.

### **4. Operative portion of Order of the Learned VUSNF, Ranchi**

The operative portion of order of the learned VUSNF, Ranchi passed in Case No. 4 of 2022 on 31.8.2022 reads as follow:

(a) The authority of the respondent JBVNL especially respondent no.2 is directed to provide electrical connection to M/S Narrow Structure Pvt. Ltd. with respect to their premises within 03 weeks from the date of receipt / production of a copy of order if they fulfill the other legal requirement.

(b) The respondent JBVNL will however be at liberty to pursue the certificate case pending for realization of the outstanding dues from the erstwhile consumer.

(c) The appeal of the petitioner is accordingly allowed and the case is disposed of with the above direction.

### **5. Office Report :**

The record is at the stage of admission. The office has submitted a checklist – cum – office note on 5.9.2024. it is reported that there is a delay of 317 days and no condonation petition has been filed. Affidavit on Non Judicial Stamp Paper (Form – V) has not been annexed.

### **6. Legal questions raised by petitioner :**

Though the consumer petitioner M/S Narrow Structures Pvt.Ltd. has filed an application on affidavit under section 5 of the Limitation Act for condonation of delay of 317 days, but has raised the following legal questions about non applicability of limitation and submitted that there is no time bar in Execution Matters :

(i) This is not an 'Appeal' rather a 'Representation'.

(ii) The Clause - 15 of the J.S.E.R.C. (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 (hereinafter shall be referred as These Regulations, 2020) regarding limitation is applicable for those consumers, who are aggrieved by

an order passed by the Forum(s) and not aggrieved for the disobedience of licensee. In this case, the consumer is not aggrieved by the order of the learned VUSNF, Ranchi rather aggrieved by non compliance of order of learned Forum by the distribution licensee.

(iii) The consumer has filed the present representation under Clause – 19 ( 1 ) of These Regulations 2020 and the rider of maximum period of 60 days to entertain appeal by the Electricity Ombudsman is not applicable / binding upon the Electricity Ombudsman. The term 'Representation' has been used in Clause 19 ( 1 ) of These Regulations 2020 and not the term 'Appeal' has been used in this clause.

## **7. FINDINGS :**

**7.1** The Clause – 15 of These Regulations, 2020 is the last clause of **PART –III, Tier II** Heading: Guidelines for establishment of Forum for Redressal of Grievances of the Consumers.

Clause - 15 of These Regulations 2020 suggests that the Order of the learned 'Forum' shall not be final. If after order of the Forum, the grievance of consumer still persists and / or the consumer aggrieved by the order made by the learned Forum, the consumer may prefer an appeal / representation before the Electricity Ombudsman. The consumer has not been given liberty to file appeal / representation in all cases. The exceptions are the cases as mentioned in Clause - 12 (7) & (8), where grievance has been settled in terms of an agreement arrived between the parties or the order passed by the Forum with regard to a dispute up to Rs.5000.

**7.2** The Electricity Ombudsman comes under the **IIIrd Tier** of the same **PART – III** of These Regulations, 2020, where the Forums function.

7.3 Clause - 19 of These Regulations, 2020 declares the power and duties of the Electricity Ombudsman. Under Clause 19(1) of These Regulations, 2020 the Electricity Ombudsman is duty bound to receive a representation but this Clause does not authorize the Ombudsman to admit each & every representation for hearing.

7.4 Clause 20 of These Regulations, 2020 prescribes the procedure for filing representation. Apparently, this clause is to be read with Clause 15 of These Regulations, 2020 with respect to the Appeal / Representation.

The Clause 20 of These Regulations, 2020 reads as follow :

(1) Any consumer, who is aggrieved with the order passed by Forum or non-implementation of the orders of the Forum, within one month of the order of the Forum may himself or through his representative, make a representation, in writing, in Form – III duly signed by the complainant or his authorized representative to the electricity Ombudsman.

(2) The representation shall state clearly

- a. The Name(s) of the consumer(s), or the organization, postal address, telephone number and e-mail address, if any, of the complaint.
- b. The consumer number, category, address of the location of the service connection, name of the local Distribution licensees' office and address, the facts giving rise to complaint supported by documents, if any and relief sought from the Electricity Ombudsman.
- c. The name of the Forum, date of order, decision of the Forum (a copy of the order of the Forum to be enclosed).

(3) No complaint to the Electricity Ombudsman shall lie unless:

- a. The complainant had before making a representation to the Electricity Ombudsman made a written representation to the Forum of the Distribution licensee named in the complaint and either the Forum had rejected the complaint or the complainant had not received any reply within a period of three months from date of filing of the grievance or the complainant is not satisfied with the orders of the Forum or the order of the Forum has not been complied with.
- b. The representation is made within thirty days from the date of receipt of the order of the Forum or such extended period as may be permitted by the Ombudsman not exceeding further thirty days for reasons to be recorded, in writing, the Ombudsman; if satisfied that there exists sufficient cause for not filing it within that period.
- c. The complaint is fresh and has not been decided by the electricity Ombudsman in any previous proceedings.
- d. The complaint does not pertain to the same subject matter for which any proceedings before the Commission or any authority / Court of law is pending or a decree or award or a final order has already been passed by the Commission or any competent Court, and
- e. The complaint is not frivolous or vexatious in nature.

(4) After registering the representation of the complainant / licensee, the Ombudsman, within 7 days of registration, shall call for records relating to the representation from the concerned Forum.



The concerned Forum shall send the entire records within 15 days from the date of issue of such notice, to the office of the Ombudsman.

7.5 If we read clause 20 (1) **relevantly**, it shall be read as - “Any Consumer, who is aggrieved with non – implementation of the Orders of the Forum, **within one month** of the Order of the Forum, may himself or through his representative, make a representation in writing, in Form – III duly signed by the complainant or his authorized representation to the electricity Ombudsman.

I have gone through the order of the learned VUSNF, Ranchi passed in Case No. 4 of 2022. The Order was passed on **31.8.2023**. The Distribution Licensee JBVNL was directed to provide electricity connection to the Consumer M/S Narrow Structures Pvt. Ltd. within **3 Weeks** from the date of receipt / production of a copy of Order. Apparently, non implementation of order shall start counting after 3 weeks from the date of receipt / production of a copy of order. Though there is nothing on record to confirm the date of receipt of a copy of order by the JBVNL but the consumer itself at para – 5 of his its application on affidavit u/s 5 of the Limitation Act has admitted that the petitioner had made a representation before the Respondent No. 2 i.e. the General Manager-cum Chief Engineer, Electricity Supply Area, Kusai Colony, P.O. & P.S. Doranda, Ranchi – 834002, for compliance of the said order on **20.9.2023** i.e. for the grant of fresh electrical connection pursuant to the order dated 31.8.2023 passed by the Learned VUSNF.

7.6 The limitation period of 30 days or extended period of 60 days shall definitely start running from 20.9.2023, the date of making representation before the Respondent.

7.7 The petitioner M/S Narrow Structure Pvt. Ltd. filed the instant representation before the Authority of Electricity Ombudsman on **12.8.2024**. If the date 20.9.2023 is being considered as the date for Cause of action, the date **20.10.2023** shall be considered as the starting point of limitation. The Consumer has filed its representation before this Authority after a lapse of 9 months and 22 days.

7.8 The Clause - 15 and Clause - 20 of These Regulations, 2020 restrict the Electricity Ombudsman to admit an appeal / representation beyond 60 days of arising the cause of action.

8. In view of my findings & comments made above, the representation of M/S Narrow Structures Pvt. Ltd be and the same is

### **REJECTED**

at the stage of admission itself on technical ground of limitation. The Authority of Electricity Ombudsman is not authorised by The Jharkhand State Electricity Regularities Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 to admit the instant representation of Consumer/Order Holder M/S Narrow Structures Pvt. Ltd. for execution.

Let a copy of this order be served upon the parties. There shall be no orders of cost.

Dictated & Corrected by me

Pronounced by me

(G.K.ROY)

(GOPAL KUMAR ROY)  
Electricity Ombudsman : Jharkhand