

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION  
RANCHI**

**Case No. 7 of 2009**

**QUORUM:**

- (1) Mukhtiar Singh, Chairperson  
(2) P.C.Verma, Member

**IN THE MATTER OF:**

An application for review of order dated 07.02.2006 passed by the Commission.

Jharkhand State Electricity Board ..... **Petitioner**

**Vrs.**

Jharkhand Small Industries Association & Ors. .... **Opposite Parties**

For the Petitioner : (1) Shri Rajesh Shankar, Advocate.  
(2) Shri Abhay Prakash, Advocate.

For the Opposite Parties : (1) Shri Ajit Kumar, Advocate-On behalf of the  
Jharkhand Small Industries Association.  
(2) Shri V.K.Gupta, Advocate- On behalf of the  
Jharkhand Small Industries Association.  
(3) Shri Rahul Sabu, Advocate-On behalf of the  
Federation of Jharkhand Chamber of  
Commerce and Industries.

**ORDER  
(17.09.2009)**

**As Per P.C.Veram, Member**

**Case In Brief:**

The petitioner Jharkhand State Electricity Board (hereinafter called the JSEB for brevity) filed an application before the Commission for review of order dated 07.02.2006 passed by the Commission so that the JSEB may be allowed to collect Sufficient Security which has become due to the respective consumer in course of time. The case was registered as Case No. 7/2009 and was put up for hearing on 16.05.2009 on which Shri Rajesh Shankar, Advocate appeared on behalf of the petitioner JSEB and two separate applications were filed on behalf of the Federation of Jharkhand Chamber of Commerce and Industries (FJCCI for brevity) and Jharkhand Small

Industries Association (JSIA for brevity) praying therein that they should be allowed opportunity to be heard before the passing of any order in the matter and that a copy of the review petition filed by the petitioner JSEB should be made available to them. The aforesaid prayer of FJCCI and JSIA was allowed and accordingly they are named opposite parties in the case and the Commission ordered directing the petitioner JSEB to issue public notice of their review petition inviting comments and objections from any interested person to be filed before the Commission within 15 (fifteen) days and who may also appear and represent before the Commission in hearing of the matter and put up the case for hearing on 04.07.2009. On the subsequent dates of hearing the opposite parties i.e. FJCCI and JSIA firstly filed petitions separately raising preliminary objections about maintainability of the review petition filed by the petitioner JSEB before the Commission and about the jurisdiction of the Commission in the matter and after that both the opposite parties filed separate petitions under Order XIV, Rule 2 of the CPC praying therein that the Commission has not reserved with it any power as prescribed under Limitation Act to condone the inordinate delay of an about three years in filing of the review application by the petitioner and that the Commission may be pleased to decide firstly the preliminary issues relating to jurisdiction, maintainability and issue relating to condonation of inordinate delay in filing the review petition and that only if an order is passed on the said matter of preliminary issues in favour of the petitioner JSEB the main issue/matter may be considered on merits. The petitioner JSEB filed its counter affidavit /reply to the aforesaid petitions for the opposite parties.

The petitioner JSEB and both the opposite parties JFCCI and JSIA were heard at length.

**Submission Of The Petitioner:**

The case of the petitioner JSEB, in brief, is that the Commission on the basis of the public notice issued to the consumers by the petitioner JSEB in newspaper for deposit of Additional Security, sought for clarification from the licensee JSEB in the matter as to under what authority the said Addition Security was being collected. The petitioner JSEB furnished the clarification and thereafter the Commission passed said orders dated 07.02.2006 without hearing them that the licensee JSEB is not permitted to collect Additional Security Deposit form the consumers as there is no such provisions in the order or regulations of the Commission and as the petitioner JSEB has not fulfilled other conditions of supply laid down in Electricity Supply Code Regulations 2005. Shri Rajesh Shankar, learned counsel on behalf of the petitioner JSEB, through his submissions and arguments, contended that there has been an error apparent in the said order dated 07.02.2006 of the Commission, as the Additional Security has been taken to be an amount in addition to the security deposit determined as per the relevant regulations of the Commission i.e. Chapter 10 of the Electricity Supply Code Regulation 2005 whereas actually the Additional Security in question demanded by the JSEB is the short-fall amount to be further deposited by the consumers whose security as determined by the regulations of the Commission has become insufficient over a period of time due to increase in their consumption of electricity. There has been error apparent also as the collection of sufficient security as determined by the regulations of the Commission has been made conditional to the fulfillment of other conditions of supply laid down in the Electricity Supply Code Regulation 2005 whereas under provisions of Section 47 of The Electricity Act, 2003 the licensee has the statutory right to demand security from the consumers for supply of electricity and that the Commission has jurisdiction only to the extent that it will determine the amount of security by regulations and that the consumers have statutory

obligation to deposit the security as demanded by the licensee as per regulations failing which the licensee has the statutory right to disconnect the electricity supply. The learned counsel on behalf of the petitioner JSEB argued that the aforesaid error apparent appears to have taken place as the petitioner JSEB was not heard in detail or due to some typographical error. The learned counsel further contended that the said order dated 07.02.2006, in its present text, essentially means that the provisions of Section 47 of The Electricity Act, 2003 and the regulations framed thereunder should not be given effect to in case of the petitioner licensee which could never have been meant so but for the error apparent. He further argued that this review petition has been filed by the petitioner licensee under provisions of Section 94 of The Electricity Act, 2003 wherein the Commission has been conferred with the same powers in the matter of “reviewing its decisions, directions and orders” as vested in a Civil Court under CPC, 1908 (5 of 1908). That the petitioner JSEB has not preferred any appeal in the matter before the Hon’ble Appellate Tribunal. That as explained above clearly there is an error apparent in the said order dated 07.02.2006 of the Commission and that there can not be a reason more sufficient than the one involved in the present case because unless reviewed the said order in its present text essentially amount to deprivation of substantial justice under law and denying of the provisions of Section 47 of The Electricity Act, 2003 to the petitioner licensee and as such the review petition is thoroughly within the jurisdiction of the Commission and is in accordance with the provisions of law.

The learned counsel of the petitioner further argued the Commission is not a Court under the meaning and provisions of the CPC and the Limitation Act. That this is clear beyond any doubt as Section 82 of The Electricity Act, 2003 explicitly provides that the Commission is constituted under the provisions of The Electricity Act, 2003 and “for the purpose of this Act”- and that further Section 92 of The Electricity Act,

2003 dealing with “Proceedings of Appropriate Commission explicitly provides that the Appropriate Commission shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify”

That the Commission has specified its Conduct of Business Rules 2003 which are the applicable provisions with respect to the proceedings of the Commission, and that the CPC and Limitation Act does not apply with respect to the Commission and therefore the application of the formal opposite parties under Order XIV Rule 2 of the CPC 1908 and Limitation Act is not sustainable under law and may be rejected. He further argued that the objection of the formal opposite parties to the condonation of delay is entirely baseless, uncalled for, misconceived and devoided of any merit.

That the Commission, in its notified Conduct of Business Regulations 2003 has made explicit provisions for filing review petition including the period within which it may be filed. That under Clause (48) and (52) of the said regulations explicit provisions have been provided wherein, the Commission has reserved ample powers to condone the delay in filing review petition and ; no time limit has been provided for condonation of the period of delay in the said provisions. That as such the review petition is strictly as per the provisions of The Electricity Act, 2003 and regulation framed thereunder and is thoroughly justified and lawful. That, there is no question of delay as the said order is not a decree wherein a right has been accrued to a party against another party rather it is in the nature of observation with respect to the performance of the petitioner licensee JSEB which is a continuous process. Moreover there has been no deliberate delay in filing the review petition. That since the said order dated 07.02.2006 contained observation with respect to other conditions of supply other than collection of security as contained in he Electricity Supply Code Regulations, 2005 the petitioner licensee being a regulated entity thought it proper to take needful action to address to

the observations of the Commission before filing a formal review petition in the matter and for that matter it has to convey the observations of the Commission in the said order to its vast number of field officers across the State of Jharkhand to take needful action wherever required and feed-back and that in the mean time there has been change in the top management and Board has been reconstituted making it incumbent to take entire initiatives again and further instructions have been given to the field officers and the initiatives taken to carry out the observations of the Commission and the same has been uploaded on the website of the petitioner JSEB and after that the process was taken by JSEB to file this review petition causing the delay in filing it which may be condoned in the interest of substantial justice. The learned counsel for the petitioner licensee further contended that, as such, the instant review petition is strictly in accordance with the provisions of law, justified and lawful and as such the preliminary objections of the formal opposite parties on the grounds of being without jurisdiction and inordinate delay is entirely baseless and not sustainable under law and may be rejected and the delay in filing review petition may be condoned of and the review petition may be allowed so that the JSEB may be allowed to collect Sufficient Security which has become due to the respective consumer in course of time, in the interest of substantial justice under law.

**Submission Of The Opposite Parties:-**

Shri Ajit Kumar, Advocate and Shri V.K. Gupta appeared on behalf of the Jharkhand Small Industries Association and Shri Rahul Sabu appeared on behalf of the Jharkhand Federation of Chamber of Commerce and Industries and they filed applications, written submissions and made arguments in course of hearings on behalf of the opposite parties. The opposite parties through their applications, written submission and arguments contended that the Commission has no jurisdiction in the matter and the review petition of the petitioner licensee is not maintainable before the

Commission. The learned counsel on behalf of the opposite parties advanced the argument that in Section 47 of The Electricity Act, 2003, “may” word has been used saying-“Subject to the provisions of this section, a distribution licensee may require any person who requires a supply of electricity in pursuance of section 43, to give him reasonable security, as may be determined by regulations” and as such it is clear that the petitioner licensee JSEB is supposed to charge the security only as per regulations and orders of the Commission and there being no such provision of Additional Security in the regulations or the orders of the Commission there is no question of charging Additional Security from the consumers and as such the review petition is not maintainable before the Commission. That there is no question of any error apparent in the order dated 07.02.2006 of the Commission in question as the provisions of Section 47 of The Electricity Act, 2003 or the provisions of Chapter 10 of The Electricity Supply Code, 2005 which has been relied upon by the petitioner licensee for filing this review petition is not something which was not known to the Commission at the time of passing this order and as such the question of review of the said order does not arise. The learned counsel for the opposite parties further contended through their applications under Order XIV, Rule 2 of the CPC and through their arguments that the Commission may firstly decide the preliminary issue of condonation of the inordinate delay of three years in filing the review petition by the petitioner licensee and only in case this matter is decided in favour of the petitioner, the main matter can be heard on merits. The learned counsel for the opposite parties argued that under the provisions of the Limitation Act the Commission has no powers to condone the delay as it (the Commission) has not reserved with it any power to condone the delay in filing the review application and as there has been inordinate delay of about three years in filing the review petition by the petitioner JSEB for which the petitioner has not submitted sufficient reasons. They further argued that there has been enormous delay in filing the

review petition so much so that it has crossed the time limit of filing appeal and therefore question arises whether review is maintainable under such circumstances and whether review will not amount to hearing appeal. The learned counsel on behalf of the opposite parties referred to and relied upon the judgment of Supreme Court “1961 STPL (LE) 2065 SC” Ram Lal and Ors. Vrs. Rewa Coalfields Ltd. according to which day to day delay has to be explained for it to be condoned. They have referred to and relied upon the ruling of the Supreme Court in “(2003) Supreme Court Cases 431” Prakash H Jain Vrs. Marie Fernandes according to which in absence of an enabling provisions, there is no inherent power of Court to condone delay in filing proceeding before it. They have referred to the ruling of Supreme Court in “(2005) 11 Supreme Court Cases 800” P.Mani Moopnar Vrs. K.Rajkamal and Ors., according to which the court may condone the delay by examining the sufficiency of the cause shown to explain the delay and can inter into the merit of the dispute only after that. They have also relied upon the rulings of the Supreme Court in “(2007) 5 Supreme Court Cases 231” Ravi Khullar and Ors. Vrs. Union of India and Ors., “(2005) 11 Supreme Court Cases 197 State of Rajasthan Vrs. Nov Bhrat Construction Co., in support of their arguments. The learned counsel for the opposite parties contended that as explained above the Commission has no powers and jurisdiction to condone the inordinate delay of about three years in filing the review petition by the petitioner licensee JSEB and as such the review petition may be rejected.

**Finding:**

The contention of the opposite parties that the right to collect security deposit from the consumers is conferred upon the petitioner licensee by the regulations and orders of the Commission and that there being no mention of Additional Security in the in the orders or regulations of the Commission, the petitioner licensee JSEB can not demand the Additional Security from the consumers and that as such the review petition is not



maintainable before the Commission is not sustainable under law. Under Section 47 of The Electricity Act, 2003 the petitioner licensee JSEB has statutory right to demand reasonable security from the consumers for supply of electricity. The jurisdiction of the Commission in the matter lies only to the extent that it has to frame regulations for determining the amount of security. The Commission has already notified such regulations for determination of the amount of security vide Chapter 10 of The Electricity Supply Code Regulations, 2005. Under the provisions of Sub-section 2 of Section 47 of The Electricity Act, 2003 the petitioner licensee has also statutory right to demand additional amount of security to make up for the short-fall in the security deposit of the consumer if it finds that the security deposit of the consumer determined in accordance with the regulations of the Commission has become insufficient over a period of time due to increase in the consumption of electricity. Admittedly the demand of Additional Security by the petitioner licensee JSEB is only to make up the short-fall in the security deposit if the same is found insufficient in accordance with the provisions of the Act and the regulations of the Commission.

The governing provisions for deciding the issue of maintainability of the review petition before the Commission is Section 94 of The Electricity Act, 2003 which deals with the powers of the Commission with respect to –“reviewing its decisions, directions and orders.” Under the provisions of Section 94 of The Electricity Act, 2003 the Commission has same powers as are vested in civil court under the CPC 1908 with respect to reviewing its decisions, directions and orders and according to Order XLVII of CPC dealing with the powers of civil court in the matter of review -

“(1) Any person considering himself aggrieved,-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

.....

and on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order".I hold that in the said order dated 07.02.2006 passed by the Commission on the basis of the written clarification only from the licensee JSEB with respect to its public notice for demand of Additional Security; there has been an error apparent in construing the word Additional Security in literal sense taking it as demand of security in addition to the security already deposited by the consumers as determined by the regulations of the Commission. That moreover there can not be a reason more sufficient and important than this one for consideration of review as the said order dated 07.02.2006 in face of the error apparent essentially means that the provisions of Section 47 of The Electricity Act, 2003 can not be given effect to, in case of the petitioner licensee. I, therefore, hold that the instant petition filed by the petitioner licensee JSEB for review of the order dated 07.02.2006 passed by the Commission is maintainable before the Commission. Now coming to the question of inordinate delay of three years in filing the review petition by the petitioner licensee and contention of the opposite parties that the Commission has no powers to condone the delay under the provisions of Limitation Act again I find that the contention of the opposite parties is not acceptable. Under the provisions of Section 82 of The Act the Commission is constituted under the provisions of The Electricity Act, 2003 and *for the purpose of the Act*. Further Section 92 of The Electricity Act, 2003 dealing with the "Proceedings of Appropriate Commission" explicitly provides that "*the appropriate Commission shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify*". The Commission has already notified its Conduct of Business Rule 2003 wherein provisions of Clause (48) and (52) confer ample powers on the Commission to condone the delay and there is no limit of

time period up to which the delay may be condoned and that this has to be decided on the basis of the necessity to meet end of justice and sufficiency of reasons. That as mentioned above, there can not be a reason more sufficient than this one for consideration of review where matter of substantial justice under law is involved. Moreover the petitioner licensee has given reasonable and acceptable explanation for the delay in filing the review petition. The Commission as explained above, is not a court under the meaning and provisions of the CPC 1908 and the Limitation Act neither the Commission is bound by the provisions of the CPC and Limitation Act. The Commission has to carryout its proceedings in accordance with the Conduct of Business Rule, 2005 notified by it and as such the applications of the opposite parties under provisions of Order XIV Rule 2 of the CPC, 1908, stating therein that the Commission has no powers to condone the delay under provisions of the Limitation Act is not maintainable under law and is as such rejected. The reliance of the opposite parties on ruling of the Supreme Court in “1961 STPL (LE) 2065 SC” Ram Lal and Ors. Vrs. Rewa Coalfields Ltd., is not applicable in the present case as this order is with respect to a court under the provisions of the Limitation Act whereas the Commission is not a court under the meaning and provisions of the CPC or the Limitation Act and the Commission is not bound by the provisions of the CPC and the Limitation Act. The opposite parties relying on ruling of the Supreme Court in“(2003) Supreme Court Cases 431” Prakash H Jain Vrs. Marie Fernandes, also provides no support to the contentions or pleadings of the opposite parties rather it supports the case of the petitioner licensee as it says that-“ in the absence of a enabling provisions,....., there is no inherent power of the court to condone delay in filing proceedings before it” and there are explicit enabling provisions in the Conduct of Business Rule 2003 notified by the Commission under The Electricity Act, 2003 wherein ample and explicit powers have been conferred upon the Commission to condone the delay. The

reliance of the opposite parties on ruling of the Supreme Court in “(2005) 11 Supreme Court Cases 800” P.Mani Moopnar Vrs. K.Rajkamal and Ors., is also of no avail as this is an order with respect to a court under provisions of the CPC which is not applicable with respect to the Commission. The ruling of the Supreme Court in “(2007) 5 Supreme Court Cases 231” Ravi Khullar and Ors. Vrs. Union of India, again provides no help to the contention of the opposite parties rather it supports the case of the petitioner licensee as this judgment clearly means that the Limitation Act does not apply to the quasi judicial body which are not court under the meaning and provisions of the Limitation Act as the Commission is not a court under the meaning and provisions of the CPC or the Limitation Act. The ruling of the Supreme Court in .- “(2005) 11 Supreme Court Cases 197 State of Rajasthan Vrs. Nov Bhrat Construction Co., relied upon by the opposite parties being an order with respect to a court under provisions of the Limitation Act is also not relevant in the present case.

That in view of the facts and circumstances as mentioned above, the instant petition for review of the order dated 07.02.2006 passed by the Commission is admitted condoning the delay in filing the petition.

Sd/-  
(P.C.Verma)  
Member

**As Per Mukhtiar Singh, Chairperson**

I have gone through the order worked out by my learned Brother – Member (Tech) but I do not agree with his findings for the reasons stated hereinafter.

Undoubtedly this Commission has the power to review its own decisions, directions and orders as provided in Section 94 of the Electricity Act 2003. Regulation 43 of the JSERC (Conduct of Business Regulations) Order 2003 also speaks about the

powers of the Commission to review on its own or on application of any of the persons or parties concerned within 30 days of the making of any decision, direction or order.

The question for decision here is not whether this Commission has the power of review the order or not. Rather the question is whether the petitioner has made out a case where the delay in filing the review petition can be condoned. The order against which the petition for review has been filed is dated 7.2.2006. The modification petition was filed on 27.4.2009 which has further been amended by another petition dated 22.5.2009 praying therein that the modification petition be treated as review petition. Along with this petition, an application under Section 5 of the Limitation Act for condonation of delay in filing the review petition has also been filed by the petitioner and presently I am concerned only with this petition for condonation of delay in filing the review petition.

The period of delay comes to 3 years 3 months and 15 days (1173 days). Under Regulation 43 of JSERC (Conduct of Business Regulation) Order 2003, 30 days time is prescribed for filing the review petition. Obviously petition for review has been filed before this Commission after the stipulated period of 30 days. Admittedly, the petitioner has not filed any appeal against the order dated 7.2.2006 of this Commission.

Now the question arises whether the petitioner has explained the delay in just and sufficient manner. Here I would like to reproduce the statements made in Paragraphs 2 to 9 of the petition filed by the petitioner for condonation of delay:-

Paragraphs 2 to 9

2. That subsequent to the order dated 7.2.2006 passed by this Hon'ble Commission, the field officers of JSEB started facing great difficulties during the year 2006-07 and 2007-08 in relation to collection of sufficient security from the existing consumers whose consumption had gone much higher than what used to be consumed by them few years back.

3. That in view of the said difficulty, the matter was put up before Chief Engineer (C&R) JSEB H.Q., Ranchi on 12.12.2007 for necessary action in this regard.
4. That the Chief Engineer (C&R) requested the Senior Law Advisor of JSEB on 15.12.2007 to render an opinion for taking suitable action in relation to the concerned issue.
5. That thereafter the Senior Law Advisor, JSEB rendered the legal opinion on 22.12.2007 advising to file a suitable petition before Hon'ble JSERC for grant of permission to collect sufficient security in the changed circumstances.
6. That the said advise of the Senior Law Advisor was approved by the then Chairman, JSEB on 29.12.2007, however the existing Board was re-constituted by the State Government on 29.12.2007 and thus the required action would not be taken for some period of time.
7. That in the meantime the revenue collection of JSEB during the year 2008-09 was assessed, during which it was noticed that there had been great shortfall in the security amount of various consumers of JSEB as per their consumption/billing pattern in course of time. Accordingly the matter was initiated afresh on 7.3.2009 at the instance of Chief Engineer (C&R), JSEB, Ranchi and on approval of the Chairman, JSEB, dated 16.3.2009; the Law department was directed to get a suitable petition filed before Hon'ble JSERC for review of the order dated 7.2.2006.
8. That accordingly the Standing Counsel of JSEB was requested on 25.4.2009 to draft and file a review petition before this Hon'ble Commission.

9. That thereafter, the Standing Counsel of JSEB drafted the review petition and the same was filed before this Hon'ble Commission on 27.4.2009.

A perusal of the aforesaid statements made in the said paragraphs of the petition, it seems that after facing so-called great difficulties in 2006-07 and 2007-08 in relation to collection of sufficient security, the matter was put up before Chief Engineer (C&R), JSEB, Headquarters on 12.12.2007. It means nothing happened from the date of the order i.e. 7.2.2006 to 12.12.2007, for about more than 22 months. Again nothing happened after 29.12.2007 till 7.3.2009 when the matter was taken up with the Chairman of the Board. Here also about 15 months lapsed.

It is a settled law that the petitioner in showing sufficient cause for condoning the delay has to explain the whole of the delay covered by the period between the last day prescribed for filing the review and the day on which the review petition is filed. He must show that he acted diligently and that there was some reason which prevented him from preferring the review during the period of limitation prescribed.

A perusal of the aforesaid paragraphs of the petition filed for condonation of the delay, I have no hesitation in coming to the conclusion that the petitioner has failed to discharge its obligation in explaining the delay in filing the review petition. It does not require any survey or report or feed-back from the field functionaries to know the impact of insufficient security, if any. The concerned officers of the petitioner – organization should know these things before hand. This alibi is created just to cover the unexplained delay. The reasons given in the petition for condoning the delays are not only vague rather there is no continuity in explaining the delay. From the petition, I do not find that the petitioner has acted diligently. On the contrary, to me, it seems that whole issue has been handled in a very casual manner. This casualness is reflected not only in explaining the delay but also in filing the review petition. If the impugned order

was not acceptable to the petitioner, the petitioner could have filed a review petition or an appeal within the stipulated period. The petitioner waited for more than three years and filed modification petition on 27.4.2009. Realising that there is no provision for modification, the petitioner filed an amendment petition dated 22.5.2009 requesting that the modification petition be treated as review petition. Despite more than 3 years delay, the modification petition was filed without a request for condonation of delay. The petition for condonation of delay was filed after 25 days of the filing of modification petition and, to me, there does not seem to be a sincere effort in explaining the delay in filing the petition. All these things prove the casualness of the petitioner in handling the matter.

The law of limitation may harshly affect a particular party but it has to be applied as a part of the system. One must bear the cost for his or her negligence.

From the above I am of the opinion that the petitioner has not shown “sufficient cause” for the condonation of delay in filing the review petition and as such the petition for condonation of delay is rejected.

I do not consider it appropriate to go into the merits of the review petition at this stage because the Commission has not heard the parties on merit.

Now I come to the question of quorum and here I refer to the provisions of Section 92(3) of the Electricity Act 2003 which runs as under:

*“All questions which come up before any meeting of the Appropriate Commission shall be decided a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.”*

I also refer to Regulation 12 of JSERC (Conduct of Business Regulation) Order 2003, which runs as under:



*“For all initial procedural issues, the quorum may be one Member. Except for initial procedural issues like notices, filing of copies and documents, the quorum of the Commission shall be two among the three Members”*

Presently, besides the Chairperson, Member (Technical) is in the Commission against the sanctioned strength of three Members. In other words, the Commission is at present having two Members including Chairperson. As both the Members have different findings, the matter has to be decided by a majority of votes of the Members present. I, as per powers vested on me under Section 92(3) of the Electricity Act 2003, as Chairperson, I order that the petition for condonation of delay in filing the review petition is rejected.

Sd/-  
(Mukhtiar Singh)  
Chairperson