

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

Case No. 05 of 2006-07

CORAM

Shri **S.K.F. KUJUR**, Chairman

Shri **P.C. VERMA**, Member

IN THE MATTER OF

An application for clarification on the matter of conduct and manner of application of tariff schedule, other regulations and Commission's letter dated 25.8.2006 by JSEB upon HT Consumers with Induction furnace (HTSS).

AND

IN THE MATTER OF

Jharkhand Induction Furnace Association		Petitioner
	Versus	
Jharkhand State Electricity Board & 16 others		Respondents

For the Petitioner: S/Shri Ajit Kumar, D.K. Pathak, Navin Kumar & V.K. Gupta, Rahul Kumar, Advocates

For the Respondent: S/Shri Rajesh Shankar, Advocate & A.K. Mishra
Nodal Officer, JSEB

For the Commission: Shri Sudarsan Shrivastava, Advocate

ORDER

(27.11.2006)

Heard both the parties.

Shri Ajit Kumar, learned Advocate for the petitioner M/s Jharkhand Induction Furnace Association, started the argument. He submitted that JSEB has misinterpreted the clarificatory letter dated 25.8.2006 (Annexure 3) issued by the Commission whereby the Commission communicated the rebate on the load factors for various categories of consumers. The learned counsel also submitted that in the said letter dated 25.8.2006 the Commission has mentioned that if the rebate has been allowed as indicated in the table contained in letter No.735 dated 24.8.2006 of the Board then the loss sustained by the Board is the Board's responsibility. It was further argued that in the said letter dated 25.8.2006 (Annexure 3) clarification regarding rebate in load was with respect to HT₁, HT₂ and EHT category of consumers only whereas the Board has implemented the same with respect to HTSS consumers also. The learned counsel for the petitioner also submitted that the Board has sought this clarification after 2 ½ years of issuance of Tariff Order for 2003-04 and hence the loss sustained by the Board is the Board's responsibility and therefore it should not be passed on to the consumers which has occurred due to the laches of the Board. On the above submissions the counsel for the petitioner prayed for a direction to the Board not to charge or penalize the HTSS consumers on the basis of the letter dated 25.8.2006.

The learned counsel for the Respondent JSEB, Shri Rajesh Shankar, submitted that the matter relates to bill dispute and therefore, for any grievance or complain the petitioner may approach to the appropriate Forum i.e. Consumer's Grievance Redressal Forum of the licensee. It was further argued that the Tariff Order issued by the Commission, the letter dated 25.8.2006 (Annexure 3) issued by the Commission and the letter issued by the Board dated 15.9.2006 (Annexure 1) are in existence and the bills raised by the Board is as per the Tariff Order for 2003-04, the letter issued by the Commission (Annexure 3) and the letter dated 15.9.2006 issued by the Board (Annexure 1). In this view of the matter if the petitioner feel that the bills raised and the rebate granted therein

are not in consonance with the above, the same will fall under the category of Bill dispute which is exclusively within the jurisdiction of the Consumer Grievance Forum and as such the present petition is not maintainable and it should be dismissed.

Keeping in view the arguments advanced and submissions made on behalf of both the parties, it is

O R D E R E D

In short the case is that respondent JSEB while implementing the Tariff Order 2003-04 dated 27.12.2003 of the Commission, applicable from 01.01.2004, due to misinterpretation of the Clause pertaining to Load Factor Rebate: has been making wrong application of the Clause and has been accordingly short charging on account of Load Factor Rebate, the category of consumer on which such Load Factor Rebate is applicable for about 2½ years. Now Respondent JSEB has started charging on account of Load Factor Rebate the respective consumers in right manner as per provisions of the relevant Clause regarding Load Factor Rebate of the Tariff Order and has also and accordingly started charging for the short charge (short-fall) for the period for which bills were issued with wrong application of the Load Factor Rebate Clause which is in accordance with the Tariff order.

The argument of Respondent JSEB that the matter relates to bills dispute is not applicable because the matter in fact relates to the interpretation of the Load Factor Rebate Clause of the Tariff Order of the Commission.

JSEB has correctly applied the Load Factor Rebate to HTSS category of consumers also in the same manner as it has been applied to HT 1, HT 2 and EHT category of consumers because there is similar provision in letter, meaning and spirit of Load Factor Rebate Clause for the categories HT 1, HT 2 and EHT as well as HTSS of consumers in the Tariff Order of the Commission. Respondent JSEB is itself responsible for the short charge in the past to the relevant category of consumers on account of Load Factor Rebate due to mis-interpretation and wrong application of the Rebate Clause for about 2½ years; and they cannot penalize the consumers for this short payment by charging any interest or surcharge on this account.

Sd/- P.C. Verma
Member (Tech)

Sd/-S.K.F. Kujur
Chairman