

JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI

Case No. **03** of **2009**

Present:
Shri **Mukhtiar Singh**, Chairperson

M/s JMT Auto Limited (Foundry Division) Petitioner

Versus

Jharkhand State Electricity Board & Others Respondents

For the petitioner : Shri S.L. Agrawal and
Shri Abhijeet Kumar Singh, Advocates

For the respondents : Shri Rajesh Shankar and
Shri Abhay Prakash, Advocates

ORDER
15.10.2009

The instant application has been filed on behalf of the petitioner for a declaration that the agreement executed between the petitioner-M/s JMT Auto Limited and the respondent-JSEB is in conflict with the Tariff Order 2003-04 and Regulations issued by the Commission and for a clarification that the load of consumer's Induction Furnace cannot be determined by the respondent-JSEB on the basis of source power, which is not in consistence with the Tariff Order 2003-04 and also for refund of the amount claimed by the petitioner.

The brief facts of the case is that the petitioner had executed an agreement with the respondent-JSEB for 1500 KVA load which was enhanced to 2500 KVA and again to 3000 KVA and the bills have been charged accordingly. It was submitted on behalf of the petitioner that from the bills it will transpire that the petitioner has never consumed

electricity to its contract i.e. 3000 KVA. It was further stated that the agreement in question is old one of the time of BSEB (Bihar State Electricity Board) and hence it cannot be in accordance with the Tariff Order 2003-04 and the Supply Code Regulations notified by the Commission and as such the petitioner should be charged as per the reading of the meter and not in according to the agreement. As such it was submitted that the respondent-JSEB should be directed to raise the bills as per the reading of the meter.

The learned counsel for the respondent-JSEB submitted that the present petition filed by the petitioner is not maintainable as it is a case of bill dispute and the prayer of the petitioner does not come under the ambit of Section 86(1)(f) of the Electricity Act 2003. It was also submitted that individual grievances/disputes of the consumer with the licensee cannot be adjudicated upon by this Commission as its adjudicatory function is limited to matter prescribed in Section 86(1)(f) of the Electricity Act 2003. It was further submitted that the contention of the petitioner that it was compelled to take load of 3000 KVA by the respondent-JSEB is not correct as the petitioner had willfully executed the agreement for contract demand of 3000 KVA. No protest whatsoever was made by the petitioner while executing the agreement in question and thus the petitioner cannot be allowed to challenge the fixing of the contract demand of 3000 KVA as the same is barred by law of estoppels.

I have heard the learned counsels for the petitioner and the respondents and have also gone through the materials on record.

I find that the dispute in respect of which the petitioner has filed the present petition basically relates to the billing dispute in respect of which the State Electricity Regulatory Commission has no jurisdiction. It is a settled law that the Regulatory Commission has no jurisdiction in respect of consumer disputes. The consumer has to find the remedies of his grievances before the Consumer Grievance Redressal Forum constituted under Section 42(5) of the Electricity Act 2003. If the consumer is not satisfied then the consumer has the liberty to approach the Ombudsman or avail any other legal remedy available to him. In the light of this I am of the view that the petition is not maintainable in this Commission.

With the above observations the application is disposed of.

(Mukhtiar Singh)
Chairperson