

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

Case No. 14 of 2010

MUKHTIAR SINGH, Chairperson
T. MUNIKRISHNAIAH, Member (E)

IN THE MATTER OF

An application under Section 86 (f) of the Electricity Act 2003 and under
Clause 16 of JSERC (Conduct of Business Regulation) Order 2003

AND

IN THE MATTER OF

M/s Usha Martin Limited Petitioner

Versus

Jharkhand State Electricity Board & others Respondents

For the Petitioner: Shri M.S. Mittal, Sr. Advocate
Shri B.K. Singh and A. Singh, Advocates

For the Respondents: Shri Rajesh Shankar, Advocate
Shri Abhay Prakash, Advocate
Shri S.K. Mishra, Elec. Ex. Engineer (Commercial)
Shri Mukul Kumar, AEE (Commercial)
Both from Jharkhand State Electricity Board

**ORDER
(21.08.2010)**

M/s Usha Martin Limited, hereinafter referred to as “the petitioner-UML” has filed a petition to clarify the tariff schedule relating to grant of voltage rebate as the same was misinterpreted by the respondent-JSEB which amounts to their unjust enrichment by not granting the rebates as given in the tariff order.

The facts of the case, in brief, are that the Commission has issued tariff order for FY 2010-11 for the respondent-JSEB effective from 1st May 2010. In the said tariff order there is a provision for voltage rebate and load factor rebate for the HTS consumers who are being supplied power at 33 KV and above. It has

been mentioned therein that the consumer with arrears shall not be eligible for the above rebates. The further case of the petitioner-UML is that the respondent-JSEB has misinterpreted the tariff order for FY 2010-11 and has raised energy bill to the petitioner-UML in May 2010 wherein no voltage rebate was granted. The petitioner-UML immediately wrote to the respondent-JSEB requesting therein for correction of the bill. The respondent-JSEB, in reply, wrote to the petitioner-UML that the bill has been prepared and raised on the basis of the provisions contained in the tariff order for FY 2010-11 and requested the petitioner-UML to make the payment of the bill within the due date to avoid any complications. Being aggrieved by the alleged misinterpretation of the tariff schedule which is effective from 1.5.2010, the petitioner has filed the instant petition seeking clarification and proper interpretation of the tariff schedule with regard to the dispute.

The learned counsel for the respondent-JSEB has submitted that the bill raised to the petitioner-UML is in accordance with the Tariff Order 2010-11 effective from 1st May 2010 and since the petitioner-UML is in arrears, the voltage rebate and load factor rebate have not been granted to the petitioner-UML.

Heard.

A perusal of the petition filed by the petitioner-UML shows that this petition has been filed under Section 86(f) of the Electricity Act 2003 for a clarification of the tariff order on the point in question. The process of tariff determination is well laid down in Chapter VII of the Electricity Act, 2003 which has no provision for entertaining a clarificatory petition. Section 86 (f) of the Electricity Act 2003 provides for adjudication upon the disputes between the licensee and the generating company. Obviously, this section does not apply to the petitioner-UML. Moreover, Section 94 of the Electricity Act, 2003 empowers the Commission to review its decisions, directions and orders. As per Clause 43 of JSERC (Conduct

of Business Regulations) Order, 2003 the review petition has to be filed within 30 days of the order. Admittedly, the petition has not been filed for a review rather it has been filed for clarifying the alleged misinterpretation by the respondent-JSEB. There is no provision for such a remedy available in law with the Commission. After issuing the Tariff Order, the Commission become *functus-officio* and has no jurisdiction to alter, modify or clarify the Tariff Order.

The Commission after going through the pleadings and after hearing the submissions of the parties is of the view that the issue involved in this case basically relates to the billing disputes. In view of the settled law that in the matter of billing disputes, the Commission has no jurisdiction and the consumer has to work out the remedies, if any, before the Consumer Grievance Redressal Forum constituted under Section 42(5) of the Electricity Act 2003. If the consumer is not satisfied, the statutory remedy available to the consumer is to approach the Ombudsman or work out the remedies before the Forum constituted under the Consumer Protection Act 1986 or such other Forums.

In the light of the above, we hold that there is no merit in this case.

In the result, the petition of the petitioner-UML is rejected.

Let a copy of this order be sent to the parties.

(T. Munikrishnaiah)
Member (Engg.)

(Mukhtiar Singh)
Chairperson