

**IN THE JHARKHAND STATE ELECTRICITY REGULATORY  
COMMISSION AT RANCHI**

**Miscellaneous Application No. 01 of 2020**

Association of DVC HT Consumers of Jharkhand.....Petitioner

**Versus**

Damodar Valley Corporation (DVC)..... Respondent

**CORAM: HON'BLE JUSTICE MR. AMITAV KUMAR GUPTA, CHAIRPERSON  
HON'BLE MR. MAHENDRA PRASAD, MEMBER (LAW)  
HON'BLE MR. ATUL KUMAR, MEMBER (TECH)**

For the Petitioner: Mr. Saket Upadhaya, Advocate

**Date- 16<sup>th</sup> November, 2022**

1. The instant petition has been brought by the petitioner Association of DVC HT Consumers of Jharkhand (**JCADVC**) under Clause A-42 of Jharkhand State Electricity Regulatory Commission (Conduct of Business) Regulations, 2016 for recognition of the Association of DVC HT Consumers of Jharkhand by this Commission.
2. The Petitioner in its petition has prayed for the recognition of the Association of DVC HT Consumers of Jharkhand as registered consumer association for purposes of representation before this Commission.

**Submission of the Petitioner**

The factual matrix of the case as submitted by the petitioner may be appreciated in the following manner:

3. That the petitioner was incorporated/formed on 26.02.2010 and registered for consumer association in the name of "Association of DVC HT Consumers of Jharkhand" with the Central Electricity Regulatory Commission vide letter No. 2/7(22)/2009-Policy/CERC dated 26.02.2013 in the areas of generating and transmission tariffs, framing of regulations etc.
4. That the petitioner has actively participated in several tariff proceedings of DVC (Jharkhand).
5. That the petitioner published a public notice in the leading newspaper regarding filing of this case and inviting suggestions/comments/objections for recognition of its association as Association of DVC HT consumers of Jharkhand.
6. That the petitioner is fulfilling all the criteria detailed in Clause 42.7 of JSERC (Conduct of Business) Regulations, 2016. It was further submitted that point 16 of the Memorandum of Understanding of JCADVC provides one of the major works of the Association as the protection of consumer interests. The relevant extract of the Memorandum of Understanding is extracted as under:  

*"Another object of the Association is to file any complaint, suit, case, petition, etc. for the protection of the members of the Association, which are consumers of DVC."*
7. That the Petitioner association has been recognized by this Commission as well as by CERC in earlier litigations on various occasions and fulfills all the necessary criteria of being recognized as an association before this Commission.
8. That the petitioner in view of the above submissions prayed for recognition of the Association of DVC HT Consumers of Jharkhand (JCADVC) as a registered Consumer Association for the purposes of representation before this Commission.

### **Commission's Observation**

9. We considered the submission made by the parties and perused the materials available on records.
10. Clause 42 of the JSERC (Conduct of Business) Regulations, 2016 empowers the Commission for recognition of consumer associations and Clause 42.7 provides the criteria for recognition of consumer associations by the Commission which reads as under :

*42.7 An Association or body applying for recognition by the Commission should fulfill the following criteria:*

- a) *"A consumer Association desirous of recognition should preferably be a society registered under the Jharkhand Societies Registration Act or the Jharkhand Cooperative Societies Act.*
  - b) *It should be functional in its area of activity at least for a period of one year after its registration.*
  - c) *The area of operation of the Association should be spread at least in one district of the State.*
  - d) *One of the major works of the Association should be protection of the consumer interests as per its Constitution/ Article and Memorandum of Association.*
  - e) *It should have experience of representation of Consumers interest before various Forums/ Agencies including those relating to the electricity sector."*
11. Hence, under Clause 42 of JSERC (Conduct of Business) Regulations, 2016 an association is obligated to get its association, recognized by the Commission.
  12. It is observed that the Association of DVC HT Consumers of Jharkhand fulfills all the criteria detailed in Clause 42.7 of JSERC (Conduct of Business) Regulations, 2016.

In the result, it is ordered as;

### **ORDER**

13. The prayer of the petitioner is allowed. Considering the facts and circumstances mentioned herein above, the Commission recognizes the Association of DVC HT Consumers to participate in the proceedings before the Jharkhand State Electricity Regulatory Commission as and when required.
14. Accordingly, the petition is disposed off in terms of the above order.

Sd/-  
Member (T)

Sd/-  
Member (L)

Sd/-  
Chairperson