



AFFIDAVIT

Suo- Moto Case No.15 of1 2020

Before,

The Hon'ble Chairman, JSERC and His Companion

Members of the JSERC, Ranchi, District – Ranchi (Jharkhand)

SL. No. 355
DATE 04-08-2020

In The Matter Of, Implementation of direction given under section 108 of Electricity Act, 2003 by the Government Of Jharkhand vide it's letter no: 1384/ACS dated 16/07/2020 for providing relief to the consumers of Jharkhand due to Lockdown to control spread of COVID-19., vide Notice Ref: No. JSERC/Legal/Case No: 15 of 2020/71, dated 22nd. July 2020.

And

In The Matter Of The JSERC "On Its Own Motion, dated 22/07/2020, Jharkhand

Represented through its Hon'ble members Shri R.N.Singh and Shri P.K.Singh, Engineering and Legal respectively, District Ranchi and will be thePetitioner /Applicant

VRS

Bokaro Steel Plant an integrated subsidiary of SAIL incorporated under Companies Act 1956 (replace) read with 2013 Act under the Parent Body SAIL (Steel Authority Of India Ltd), Represented through Shri Sanjay Kumar, S/o Sri G Modi, Designation GM (TE-Electrical), R/o Qtr No.1167 Sector IV/C, Bokaro Steel City, P.O&P.S-Sec IV, District Bokaro will be the Respondent on behalf of The CEO, Bokaro Steel Plant, Bokaro.

.....Respondent (BSL, SAIL)



Deepak Kumar

I, Sanjay Kumar S/o Sri G Modi R/o Qtr No.1167, Sector IV/C, P.O Sec - & P.S Sector IV, Distt. Bokaro, Jharkhand, do hereby solemnly affirm and state as follows:-

1. That, I am GM (TE-Electrical)) at the respondent's company,(BSL,SAIL) and duly authorize to swear the present affidavit on behalf of the Respondent company in this instant matter and as such I am well acquainted with the facts and circumstances of the matter in hand.
2. That, I have read the contents of the petition, by way of affidavit and I have understood the same.
3. That the written statement submitted by way of affidavit made in the Instant matter as above said suo moto matter on its own motion /petition/ Application and the brief written statement with regards to the nature of the directions given by the Hon'ble JSERC and its Hon; ble Members, are true to my knowledge and information derived from the records which I believe to be correct and in the interest of the public policies and practices followed by our esteemed organization, BSL/SAIL.
4. Written Submission before the Hon'ble Commission by the Respondent Company in a succeeding paragraphs in brief for the Hon'ble Commission considerations and be pleased to further direct us /our company for needful action and implementations.

Most Respectfully sheweth,

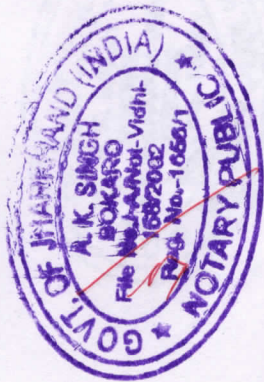
- a) That, the Respondent Company is well aware of the current situation of the market and the consequences of the lockdown on account of Pandemic like situation caused due to COVID-19, which has caused incurable wounds on the health of the economy in particular and people at large which cannot be negated at any given point of time.
- b) That, the Respondent company is engaged in a Steel Manufacturing and is the global leader and sustaining themselves on their meagre profit margins, which is to some extent is not sufficient to sustain by virtues of the nature of the industries requirement i.e. Labour Intensive unit, despite having a lot of technological development, automation etc. but the fact of the matter is that the basic nature of Steel Manufacturing unit cannot be changed and there are other unforeseeable operational issues



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which are involved and is beyond our control and to manage such kind of situation the company always needs cash flow to run and maintain the operation of the plant. Hence working capital is indeed the dire need for the survival of our company.

- c) That, the Respondent Company always believe in contributing in the growth of the country as well as for the State Government under whose jurisdiction our company is working/situated and hence our motto is to become a part of the growth engine for all.
- d) That, the Respondent company is incurring loss for quite a long time because of the low demand and cut throat competition in the domestic as well as global market. The financial health of the company is not very sound and it's been further aggravated due to the present time pandemic issues and the management of the company is reeling under survival threat in the market. Hence our actions are conservative and cautious towards our employees in particular and society in general and our motto is to be the best in practices.
- e) That, w.r.t order sheet dated 22/07/2020 and the invocation of Section 108 of The Electricity Act, 2003, which deals with Directions by State Government the respondent Company reiterates before the Hon'ble Office that this section seeks to confer power upon the State Government to issue direction in writing to the State Commission on questions of policy and that Commission shall be bound by such directions. If any question arises as to whether such directions relate to a matter of policy involving public interest, the decision of the State Government shall be final and is binding for all. In this regard the respondent without any prejudice humbly submits before the Hon'ble Commission that 95% of our consumer base and users are occupant of our own quarter which was for the welfare of our employees because they are involved in manufacturing process and they require accommodation for themselves and their family. Apart from that other government undertaking employees and state government employees (for law and order control) are occupant of our quarter to support us in all our endeavors. It is pertinent to mention here that 95% occupant did not face the problems of reductions in their salary, hence they are in position to pay the consumed electricity charges without much problem. It is further submitted before the Hon'ble commission that 5% of our user base comprises of business community to whom the respondent company has allotted plots to cater the need of our



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population well within the town ship area and they are being charged on the basis of actual consumptions of electricity consumed and the fixed meter charges. Hence the directions is applicable only for the 5% of the users.

f) That, it is humbly submitted before the Hon'ble Commission that our intentions are to support the people and honour the Hon'ble Commissions directions, guidance and orders. It is humbly stated that to satisfy the need of 5% of our users we will be opening the pandora's box of complaints and dissatisfaction among our 95% of the user base. Few among our 95% of the user base may feel deprivation from the Moratorium benefit. Hence the Respondent company has the reasonable apprehension that there will be chaos, distrust and confrontation kind of situation may arise/ take place/ will start happening with 95% of the disciplined and salaried class people and law and order problems like situation may crop up. Hence the Respondent company believes in uniformity and equality while implementing any policies, however the order of the Hon'ble Commission is supreme and binding on us i.e. the respondent Company.

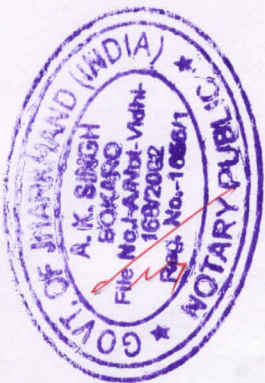
g) That, the respondent Company has not filed any suit or proceeding before this court or any other court including Hon'ble court Jharkhand at Ranchi related to the similar above said matter which is under consideration before the Hon'ble Commission.

h) That, the respondent reserves the right to amend the Petition by way of filing supplementary affidavit and bring all the pertinent and relevant facts which is not yet been averred in the instant petition/application because of time constraints and urgency of matter in hand.

i) That, this affidavit is submitted by the respondent company in the interest of justice

j) That, other and further ground shall be urged by the respondent at the time of hearing of the instant matter/ Application before the Hon'ble Commission and it's Hon'ble Members.

It is therefore prayed that your honor may be graciously be pleased to consider the facts as stated above and be pleased to allow us to maintain the status quo during



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this pandemic time as well in the interest of justice, peace and harmony in the society at large and our occupants in particular

And

Be further pleased to issue such other order or direction as your lordship may deem fit and proper in the fact and circumstances of case

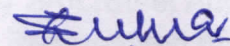
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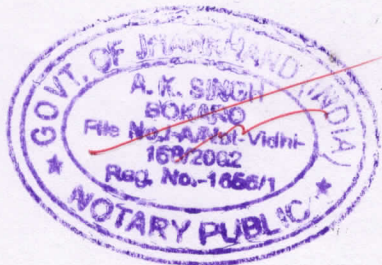
For this Act of kindness your Petitioner shall ever pray .

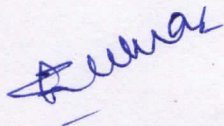
5. That the statements made in paragraphs ...1to-4(a to j)....of this affidavit in the form of plaint/petition are true to my knowledge, belief and experiences while working with this esteemed respondent company. This counter affidavit may be read in a holistic manner and approach. All the information derived from the relevant records which are true to my knowledge and information and information made in the rest of the paragraphs of this plaint are by way of my humble submissions before this Hon'ble Commission.
6. Verified sworn and signed today i.e. 04.08.2020 at Bokaro Civil Court, District Bokaro, Before the Notary Public, Bokaro Civil Court.

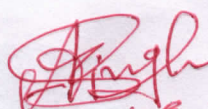
Verification

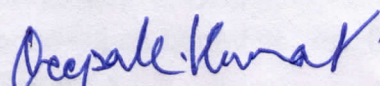
I, Sanjay Kumar S/o Sri G Modi,R/o. Qtr No:1167Sector IV/C Bokaro Steel City, P.O And P.S Sector IV District Bokaro Jharkhand, do hereby state and submit that the statements made in paras above are true to my knowledge and belief .


Deponent






04-08-2020
ANIL KUMAR SINGH
NOTARY PUBLIC
CIVIL COURT, BOKARO
File No.-I-A/Not-Vidhi- 168/2002


Deepak Kumar, Advocate



