

**BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND
4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001**

Dated- 22nd February, 2010

Appeal No. EOJ/12/2009

M/s Galaxy Exports Pvt. Ltd.	Appellant(s)
	Versus	
JSEB through its Chairman & others	Respondent(s)

Present:

Electricity Ombudsman	Shri Arun Kumar Datta
Counsel for the Appellant	Shri Ajit Kumar, Advocate Shri Vijay Gupta, Advocate
Counsel for the Respondent Board.	Shri Rajesh Shankar, Standing Counsel Shri Abhay Prakash, Addl. Counsel

ORDER

This is an order on the point of limitation on which the Learned Counsels of both sides have been heard.

It will not be out of place to mention at the first that instance this cross appeal was filed in case no. EOJ/04/09 in stead of counter affidavit in advertence and therefore by order dated 05/11/09, this cross appeal was registered as separate appeal bearing case No. EOJ/12/09.

On the perusal of the records, it transpires that the separate adjournments were taken for filing condonation petition on behalf of petitioner but inspite of several adjournments allowed to the petitioner, no condonation petition was filed.

On the perusal of memo of cross appeal it transpires that this memo of cross appeal was filed under order 41 rule 22 of CPC for which the limitation is only one month from the date of the order of Court/Forum below. Besides, it the period of limitation under regulation 13 of the (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005 is only 30 days from the date of the order which can be extended for further 30 days but within a maximum period of 60 days from the order of the Forum. Clause 19(3),(b) of the aforesaid regulation the representation is to be made within 30 days from the date of the receipt of the order of the Forum or such extended period as may be permitted by Electricity Ombudsman not exceeding further 30 days on sufficient reasons being shown by the appellant for not filing but within that period. Thus this Forum of Electricity Ombudsman can only condone a period of further 30 days but within the maximum period of 60 days on being sufficient reasons shown by the appellant/ petitioner. In this case the Order/Judgement of the Learned VUSNF is 14/05/09 but this cross appeal was filed on 25/08/09 which is beyond the period 60 days which becomes barred by limitation.

As such, it is held that this cross appeal is not maintainable as barred by limitation under regulation 13 and 19 (3), (b) of the ((Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulation, 2005, hence this cross appeal is dismissed.

Let a copy of this order be served on both the parties.

Sd/-
Electricity Ombudsman