

**BEFORE THE COURT OF ELECTRICITY OMBUDSMAN,
JHARKHAND**

4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001

Case No. EOJ/12/2008

M/s Maa Chinnmastika Sponge Iron Pvt. Ltd. Vrs. JSEB & Others

Present:

Mr. Sarju Prasad	Electricity Ombudsman
Mr. Ajit Kumar	Counsel for the Appellant
Mr. Vijay Gupta	Counsel for the Appellant
Mr. Rajesh Shanker	Counsel for the JSEB & others
Mr. Abhay Prakash	Counsel for the JSEB & others

17/04/2008 M/s Maa Chinnamastika Sponge Iron (P) Ltd. is a HTSS consumer with induction furnace. The consumer moved VUSNF for a direction to charge bills on the basis of actual maximum demand recorded in the meter of the consumer in view of tariff order of 2003-04. The VUSNF vide order dated 31/10/2007 in case no. 15/07 allowed the prayer of the consumer against which an appeal was filed before this Forum which was dismissed vide order dated 29th February, 2008. In the concluding paragraph of judgement of this Forum, JSEB has been directed to implement the order of VUSNF within 30 days of receipt of order failing which JSEB will have to pay interest to the consumer for any amount realized in excess at the same rate at which JSEB is charging as delayed payment surcharge. Thereafter, it appears that JSEB has issued a bill dated 10/03/08 on the basis of actual maximum demand recorded in the meter of the consumer but no adjustment has been given with respect to excess amount realized from the consumer. The consumer has not paid the said bill and thereafter a notice of disconnection has been issued by the JSEB. The consumer by filing an application prayed to implement the order of VUSNF and especially with respect to the excess amount

realized by the JSEB till the bills for energy charges etc. for the current month onwards it becomes zero.

The learned lawyer for the JSEB has submitted that against the order of this Forum they have preferred a writ petition in the Jharkhand High Court therefore they have partly complied with the order of the VUSNF as well as this Forum and they have charged the current consumption and demand charges as recorded in the meter of the consumer. So far, the excess amount realized on account of charging 100% of the demand is still under sub-judice before the Hon'ble High Court therefore on failure of the consumer to make payment of the current energy charges, a disconnection notice has been issued.

From the judgement of this Forum it is apparent that in case of non-adjustment of the bill and order of this Forum as well as VUSNF within 30 days, JSEB is to pay interest at the rate they claim as delayed payment surcharge. Therefore, there is a safe guard in favour of the consumer in case JSEB for delaying adjustment and a penalty has been imposed upon the JSEB. If instead of implementing the order in toto, JSEB has preferred a writ petition before the Hon'ble High Court. JSEB should be given an opportunity to move the Hon'ble High Court for stay of operation of the order of this Forum. Therefore, a further 30 days time is given to bring the stay order from the Hon'ble High Court in the meantime the consumer shall go on making payment of current bill. If JSEB doesn't obtain any stay order then they must give adjustment of the any amount realized in excess on account of demand charges etc. from the future bills of the consumer with interest.

Let a copy of this order be sent to both the parties for strict compliance.

Sd/-
Electricity Ombudsman