

(2006) 05 JH CK 0023
In the Jharkhand High Court

Madhu Sudan Mittal

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 18-05-2006

Acts Referred:

Citation : (2006) 4 JCR 579

Hon'ble Judges : S.J. Mukhopadhaya, J; M.Y. Eqbal, J

Bench : Division Bench

Judgement

1. It has been brought to the notice of the Court that supply of electricity is deteriorating in the State of Jharkhand particularly in the State capital, Ranchi.
2. Learned counsel for the Jharkhand State Electricity Board (hereinafter to be referred J.S.E.B.) is not in a position to explain the matter and wanted to blame the Legal section of J.S.E.B.
3. We do not understand how the Legal section of J.S.E.B. has to do anything with the supply of the electricity. If the work with regard to supply of electricity is to be done by the employees and Engineers of the J.S.E.B. the instruction is to be obtained from them. How the counsel for the J.S.E.B. can put the burden on Legal section of the J.S.E.B.
4. Secretary, J.S.E.B., Ranchi, is directed to appear in Court tomorrow (19th May 2006) and explain as to why appropriate order be not passed and direction be not issued against J.S.E.B. and its officers in particular.
5. Counsel for the J.S.E.B. will inform the Secretary J.S.E.B. of his appearance.
6. So far as "Forum for redresser of grievances of the consumer" is concerned, it is informed that the 3rd member has been appointed.
7. The petitioner complained that the Chairman and the other Members of the "Forum of redressal of grievances" are not hearing the complaint cases nor disposing of any of such complaint on the ground that J.S.E.B. has not engaged

its Lawyer.

8. We fail to understand as to why the cases will be adjourned, if no Lawyer is engaged by the J.S.E.B. Jharkhand State Electricity Regulatory Commission, Ranchi, has framed guidelines, namely, "Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman Regulation, 2005". Under the Regulation 2005, procedure to be followed by the Forum on admission of complaint has been provided under Regulation 11: relevant portion of which is quoted hereunder:

11. Procedure to be followed by the Forum on admission of complaint.

1. The Forum shall,?

(b) Where nodal officer on receipt of a copy of the complaint, referred to him under Clause (a) denies or disputes the allegation contained in the complaint or omits or fails to take any action to represent his case within the time specified by the Forum.

...

(2) Every complaint shall be heard expeditiously and an appropriate reasoned order shall be passed within a period of 14 days from the date of final hearing and maximum within 90 days from date of receipt of complaint by the Forum; Provided that no adjournment shall ordinarily be granted by the Forum unless sufficient ground exists and the reasons for grant of adjournment have been recorded in writing by the Forum; Provided further that the Forum shall make such orders as to the cost for the adjournment as may be considered appropriate by the Forum.

9. The Chairman and the Members of the "Forum for Redressal of Grievances of the Consumers" are directed to decide the complaint as are pending and may be preferred expeditiously. If no Lawyer has been engaged by the J.S.E.B., the Forum will decide the case ex-party in accordance with procedure laid down under Regulation 11 aforesaid. If complaint cases are not disposed of expeditiously, this Court may pass an appropriate order.

List this case for further hearing under the heading "For orders" on 19th May, 2006 at 3.30 p.m.