

(2012) 10 JH CK 0034
In the Jharkhand High Court
Case No : C.W.J.C. No. 1793 of 2001

Madhu Sudan Mittal

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 08-10-2012

Acts Referred:

Electricity Act, 2003 — Section 142

Citation : (2011) 1 JLJR(Jhar) 4 : AIR 2011 Jhar 52

Hon'ble Judges : Prakash Tatia, J;Jaya Roy, J

Bench : Division Bench

Advocate : A.K. Pandey, Advocate for the Electricity Board, for the Respondent

Judgement

1. The State of Jharkhand was created in the month of November, 2000 and this petition has been filed on 1.5.2001 raising the grievance about the electricity supply position in the State of Jharkhand. Several orders have been passed in the last 12 years so that the electricity supply in the State of Jharkhand may improve, but the sorry state of affairs continued for almost more than 11 years. It will be worthwhile to mention here that the State of Jharkhand is having the benefit of getting power supply from the Damodar Valley Corporation. Again and again, before this Court on several occasions it has been stated that the Jharkhand State is having not only the enough electricity, but sometimes, it is with surplus of the electricity. On the basis of such pleas, even it has prayed that the supply from the D.V.C. may be discontinued, which is being continued because of the orders passed in this petition and those prayers of the Jharkhand State Electricity Board as well as the D.V.C. have been rejected on more than one occasion. The Court is not the expert in technical matters, and therefore, the Court have to take the expert opinion whenever it is needed and then to rely on the expert opinion with the help of the another expert opinion if needed, in case, the expert opinion prima facie does not satisfy the Court. In this case, it will suffice to state that even after more than 11 years, this Court had to pass several strong orders against the Jharkhand State Electricity Board and we even

directed to the Jharkhand State Electricity Regulatory Commission to give its own opinion. The Court, in the order dated 23.7.2012 requested the Commission to expedite the proceedings of improvement in the power supply and for which, some schemes may be given to the Jharkhand State Electricity Board and it was noticed that the Commission has power to impose the penalty upon the Jharkhand State Electricity Board u/s 142 of the Electricity Act, 2003. Again and again, it was shown that there is a problem for the transmission resulting into problem in distribution of the electricity. This Court also directed the State to formulate a policy and undertake to complete all tasks relating to electricity matters pending with it expeditiously and submit it to the Court with respect to the matter pending with the State Government for strengthening the electricity supply in the State of Jharkhand.

2. Today, learned Advocate General has submitted that the Chairman of the Electricity Board Mr. S.N. Verma, who is also present in the Court to assist the Court. Mr. S.N. Verma submitted his plan for improvement in the complete system in the Jharkhand State so as to give the continuous electricity to the public. Therefore, we have heard Mr. S.N. Verma, Chairman, Jharkhand State Electricity Board.

3. Learned Chairman of the Jharkhand State Electricity Board submitted that the State is in need of 1500 M.W. of electricity and at present it is getting more than that quantity of the electricity. Not only this, but the Jharkhand State Electricity Board at times used to refuse to accept supply of the electricity from the Centre because of sufficient availability of the electricity with the Board. It is also submitted that most of the power generating stations like, Patratu, Tenughat and Sikidiri, they are working efficiently and giving full power supply to the extent of 200 M.W., 400 M.W. and 130 M.W. It is also submitted that there are 29,000 villages, out of which, 24,000 villages have already been electrified and the rest of the villages are likely to be electrified in a short time. It is also submitted that about 4000 transformers are likely to reach in the State of Jharkhand and the Board is receiving the delivery of the transformers almost every day in lots.

4. It is also submitted that in the month of June, 2011, revenue receipt of the Electricity Board was Rs. 147 Crores and it has increased to Rs. 210 Crores. So far as the power theft/ seepage are concerned that was 46 per cent and it has come down to 32 per cent against the national average of power loss of 20 per cent. The Chairman of the Board is hopeful that the power loss will be reduced substantially in a few months only in view of the fact that now the State/ Board both have decided to give the distribution of the electricity to the companies which will certainly take care of this issue very effectively resulting it to the less loss to the State Electricity Board.

5. So far as the capital city of Ranchi is concerned, according to the Chairman of the Electricity Board, the difficulty is not because of the less availability of the power, but it is because of the poor quality of the Conductors transforming the electricity. It is also submitted that concrete steps have been taken for improving

the transmission within the city of Ranchi. However, it will take time of atleast 2-3 months. It is also submitted that at some places, the electricity lines have been changed and the Chairman of the Electricity Board is very enthusiastic in the matter of the finance and shows that he will not have any problem of the finance in implementation of all the projects. It is also submitted that all improvement will be seen within a period of 2-3 months, meaning thereby, by the end of the December, 2012 the Jharkhand State will see the substantial improvement in the matter of electricity, transmission and distribution, whereas so far as the generation is concerned, the position is better, and therefore, there is no reason to doubt about the improvement in the system.

6. Learned Chairman of the Electricity Board has shown a very bright picture to us and we wish he may show it in his act also, which can be certified only by the public of the State of Jharkhand. Looking to the zeal with which the steps are likely to be taken, we are impressed and we hope that in implementation of the scheme, the Jharkhand State will co-operate fully and further there should not be delay because of the red-tapism etc.

7. In view of the above reasons, we are adjourning the matter to be taken up on 19th December, 2012. On that day, or before that day, the brief progress report may be submitted with respect to the steps taken in the matter of improvement of transmission and distribution etc. Put up this case on 19th December, 2012.