

IN THE HIGH COURT OF JHARKHAND AT RANCHI
[Civil Writ Jurisdiction]
W.P. (C) No. 3117 of 2014

Jharkhand Urja Vikas Nigam Limited Petitioner
Versus
M/s MAKERS CASTING INDIA PRIVATE LIMITED Respondent

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CORAM : HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through :-Video Conferencing)

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For the Petitioner : Mr. Mrinal Kanti Roy, Advocate
For Respondent : Mr. Nitin Kumar Pasari, Advocate
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06/06.09.2021 Heard, learned counsel for the petitioner-Mr. Mrinal Kanti Roy.

Jharkhand Urja Vikas Nigam Limited, previously known as Jharkhand State Electricity Board, through Shri. Arun Kumar Srivastava, S/o late R.K. Lal, at present working as Law Officer of Jharkhand Urja Vikas Nigam Limited, has preferred this writ petition for quashing the order dated 17.08.2013, passed in Case No.5/2012 by Viduyat Upbhokta Shikayat Niwaran Forum, Chaibasa, at Jamshedpur, Jharkhand.

Learned counsel for the petitioner has submitted that the order dated 17.08.2013 passed in Case No.5/2012 by Viduyat Upbhokta Shikayat Niwaran Forum, Chaibasa, at Jamshedpur has been assailed in the writ petition, but the same impugned order has not been annexed with the writ petition, as such, the writ petition has been filed for valid cause of action, rather the order dated 03.06.2014 passed in Case No.5/2014 which was preferred by respondent, M/s Makers Casting India Private Limited against the Jharkhand Urja Vikas Nigam Limited has been annexed.

Mr. Nitin Pasari, learned counsel for the respondent has submitted that writ petition is itself not maintainable as the assailing order dated 17.08.2013 passed in Case No.5/2014 has not been filed and the said case has already been disposed of.

Mr. Nitin Pasari, learned counsel for the respondent has further submitted that order dated 17.08.2013 passed in Case No.5/2012 by Viduyat Upbhokta Shikayat Niwaran Forum, Chaibasa, at Jamshedpur, Jharkhand was appealable before the appellate court i.e. Electricity Ombudsman, but till date, the said order has not been assailed by the Jharkhand State Electricity Board or Jharkhand Urja Vikas Nigam Limited, before the Electricity Ombudsman rather application has been preferred by the respondent before the Jharkhand State Electricity Regulatory Commission, Ranchi vide Case No.5/2014 which has been disposed of, as such, this writ petition has become infructuous and it shows that Jharkhand Urja Vikas Nigam Limited is callous in filing such writ petition itself which is not maintainable and the defects are being carried over since 2014 to 2021.

Learned counsel for the petitioner-Mr. M.K. Roy has referred Section 42(6) of the Electricity Act, 2003 and has submitted that any consumer who is aggrieved by the non-redressal of his grievances under Sub-section 5, may file representation for the redressal of his grievances before the Ombudsman, which is the appropriate authority to be appointed or designated by the State Commission.

Learned counsel for the petitioner-Mr. M.K. Roy has further submitted that this provision of appeal is only with respect to the consumer and not with respect to the Licensee – Jharkhand Urja Vikas Nigam Limited, as such, the Jharkhand Urja Vikas Nigam Limited is justified in preferring the writ petition before this Court.

Mr. Nitin Pasari, learned counsel for the respondent has submitted that this argument of the empanelled counsel for the petitioner is not acceptable to the Court in view of their alternative prayer made in the writ petition in page-4 where the petitioner prays that the the learned court of Electricity Ombudsman, Jharkhand be directed to condone the delay in filing the appeal as per Clause 19(3)(b) of the Jharkhand State Electricity Regulatory Commission, Ranchi, as such, this prayer in itself is contrary to the submission made by learned counsel for the petitioner.

Under the aforesaid circumstances, this Court direct the Chairman-cum-Managing Director, Jharkhand Urja Vikas Nigam Limited to look into such prayers as such frivolous writ petition are preferred on the legal advice of the Law Officers, which amounts to an attempt to mislead not only to the department, but also to the Court.

The Chairman-cum-Managing Director, Jharkhand Urja Vikas Nigam Limited is directed to file an affidavit within three weeks stating whether the action of the Law Officer is justified in accordance with law or whether any action is required to be taken by the department against him for such act?

Further, learned counsel for the petitioner-Mr. M.K. Roy has prayed for four weeks' time to obtain the certified copy of the order dated 17.08.2013 passed by Viduyat Upbhokta Shikayat Niwaran Forum, Chaibasa, at Jamshedpur in Case No.5/2012.

As prayed for, put up this case after four weeks, as the matter is pending since 2014 on such advice of the Law Officer, who is not diligent in removing defects by providing impugned order.

Let a copy of this order be communicated to Jharkhand Urja Vikas Nigam Limited, Ranchi.

(Kailash Prasad Deo, J.)