

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3712 of 2014

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The South Bihar Power Distribution Company Ltd. (SBPDCL) having its office at Vidyut Bhawan, Patna through Sri Dilip Kumar Singh, Son Of Sri Brij Bihari Singh Posted As Electrical Superintending Engineer, Patna Electrical Supply Undertaking Pesu West Circle Patna Mangles Road, Patna, P.S.- Sachiwalaya, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Energy Department, Government Of Bihar, Patna
2. M/S Bhola Ram Steel Pvt. Ltd., Nasariganj, Digha, Danapur, Patna
3. Consumer Grievance Redressal Forum Cgrf Through Its Member Having Its Office At Vidyut Bhawan, Pat
4. Bihar State Electricity Regulatory Commission through its Secretary, Vidhut Bhawan – II, Bailley Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Advocate
For the Respondent/s	:	Mr. Kumaresh Singh, Advocate
For the Respondent -4	:	M/s Rajani Kant Mishra L.L.Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 09-04-2024

The petitioner has filed the writ application for quashing of the order dated 21.08.2012 passed by the learned Consumer Grievance Redressal Forum (hereinafter referred as ‘CGRF’) in Registered Case No. 17/2012 whereby and whereunder the the learned CGRF has set aside the order dated 19.04.2011 passed the G.M. - cum – CE, PESU and directed the authorities to convert the tariff of connection No. 223706 from H.T.-II to HTSS within 45 days.



2. The brief facts culled out of the petition are that the Respondent No. 2 has a steel manufacturing Unit in the name of M/S Bhola Ram Steel Pvt. Ltd. Having a contract demand of 2500 KVA under HTS-II category bearing A/C no. 223706 for composite units of induction furnace Retrolling Mill and Arc furnace for manufacturing Ferro Alloys in the said unit. The respondent no. 2 applied for change of tariff from HTS-II to HTSS category on 31.01.2011. The request of the respondent no. 2 for conversion of tariff from HTS-II to HTSS category was rejected by the GM-cumCE/PESU, Patna dated 19.04.2011 (Annexure-2) on the ground that the composite unit of the respondent no. 2 predominantly consists of Selico Magnese Plant (Arc furnace) and Re-rolling Mill. Being aggrieved by the order dated 19.04.2011 passed by the GM-cum-CE/PESU, Patna, the Respondent No. 2 preferred Registered Case No. 17/2012 before the CGRF on 10.04.2012 for redressal of grievances before the Forum constituted under Section 42(5) of the Electricity Act, 2003. The CGRF vide order dated 21.08.2012 (Annexure-2) has directed the petitioner to convert the tariff of connection no. 223706 from HT-II to HTSS within 15 days and has also set aside the order dated 19.04.2011 (Annexure-2) passed by GM-cum-CE/PESU, Patna.



3. Heard learned counsel for the petitioner and learned counsel for the respondent no. 4. The respondent no. 2, who was petitioner before the CGRF has not appear, though the notices have been served on him.

4. At the outset, the learned counsel for the petitioner has submitted that the learned CGRF had travelled beyond its jurisdiction in interpretation the tariff provision without considering the actual spirit of Clause 7.4 of the prevalent tariff and Tariff framed by the Regulatory Commission and the Regulatory Commission alone is the competent body to interpret the tariff provision. It is further submitted that the learned CGRF failed to appreciate that the unit of the consumer had been predominantly Arc Furnace which is not included in the HTSS Tariff.

5. The learned counsel for the respondent no. 4 has though opposed the present writ petition, however, he submits that in case this Court directs, to remand the matter for taking afresh order after hearing the petitioner on merits.

6. Having regard to the facts and circumstances of the case, I find that in the interest of justice and considering the equities prevailing in the present case, it would be appropriate to remand the matter back to the CGRF to pass a



fresh order granting adequate opportunity to both sides to file documents, evidence and written submission and hear the matter on merits, hence the order dated 21.08.2012 passed by the CGRF in Registered Case No. 17/2012 is quashed.

7. This Court is without going into the merits of the case, the matter is remanded back to the Consumer Grievance Redressal Forum (CGRF) to consider the matter afresh on merits in accordance with law and pass a reasoned and a speaking order thereon after granting adequate opportunity to both sides to file documents, evidence and written submissions within a period of four months from today.

8. This writ petition stands disposed of with the aforesaid observation.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2024
Transmission Date	

