



## Chhattisgarh State Electricity Regulatory Commission

Civil Lines, G.E. Road, Raipur – 492001

Tel: 0771-4073555, Fax-4073553

### Petition No. 11 of 2007(M)

M/s Kankai Steel (P) Ltd ..... Petitioner  
138, Light Industrial Area, Bhilai.

V/s

Chhattisgarh State Electricity Board ..... Respondent  
Raipur

Present: S.K. Misra, Chairman  
Sarat Chandra, Member

### **ORDER IN ORDER SHEET DATED 22/06/2007**

Shri R.B. Goenka, Consultant, Shri R.K. Agrawal, Advocate are present for the petitioner along with Shri Pramod Mehta, Director of the petitioner company.

2. Heard Shri Goenka and Shri Agrawal, advocate on the issue of admission of the petition. The petition has been submitted under Section 142 of the Electricity Act, 2003 (the Act) on the ground that the respondent Chhattisgarh State Electricity Board (CSEB) has failed to comply with the orders of this Commission passed on 03/04/07 in Petition No. 5 of 2007 (M). We had given two specific directions to CSEB in the order, viz, (i) that the petitioner be given an opportunity of being heard before finalizing the assessment in the case of theft instituted under Section 135 of the Act against him; and (ii) the assessment should be as per the provision of the Supply Code.

3. The petitioner alleges that these directions of the Commission were not complied with by the CSEB. As to the first direction, the main contention of the petitioner is that he was not given adequate opportunity to represent his case before the assessing officer and that the notice for hearing was not served on him properly. The factual position is that the petitioner was given an opportunity to put up his case before the assessing officer. He had not raised the issue of adequacy of time or impropriety of notice before the assessing officer. We therefore, do not agree that our directions in this regard have not been complied with.

4. As to the second ground, it is clear that the assessment of theft has been made on the basis of consumption of Nov' 05, Dec' 05 and Jan' 06. In para 4 of our order, we had observed that the assessment should be on the basis of normal energy consumption pattern of the industry over a period of time which is generally the consumption of past three months prior to the data of alleged theft.

5. Admittedly, the industry was closed in Feb' 06 till June' 06. Although, the industry reopened in July' 06 and the theft was detected on 04/09/06, the officers of the Board have taken three months' period prior to the closure of the industry (Nov' and Dec' 05 and Jan' 06) as reflecting the representative consumption of the industry. We find no illegality or irregularity in this. We also observe that in the reassessment as per our directions the civil liability of the petitioner has come down from Rs. 2.132 cr. to Rs.77.35 lakh. We, therefore, do not find that our directions in this regard have not been complied with.

6. It is clear from the petition that the petitioner seeks a substantive remedy against the assessment under Section 126 of the Act in the nature of an appeal, which is not within the purview of Section 142.

7. In the light of the above, we find no ground for admission of this petition. It is hence rejected at the stage of admission.

This order may be conveyed to the petitioner and the case closed.

Sd/-  
**Member**

Sd/-  
**Chairman**