



## Chhattisgarh State Electricity Regulatory Commission

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

Tel: 0771-4073555, Fax-4073553

### Petition No.34 of 2006(M)

Deepak Ferro Alloys Ltd., Raipur

.... Petitioner

V/s

Chhattisgarh State Electricity Board, Raipur

.... Respondent

### ORDER

(Passed on 28/12/2006)

Petitioner is not present in spite of notice. We therefore decide to proceed with the case exparte. Respondent by Shri Arun Bhatnagar, SE, CSEB.

2. This petition has been filed for seeking enhancement of contract demand from 125 KVA to 4000 KVA by CSEB on actual cost basis and not on payment of supply arranging charges @ Rs.650 per KVA which the petitioner claims he has already deposited earlier. The subject matter of the petition is similar to one which had earlier been decided by the Commission in petition No.9 of 2006(M) in the case of M/s Raghuvveer Ferro Alloys Ltd *versus* CSEB. This was a common order and was passed in petition No. 12 of 2006 (M) and 18 of 2006 (M), apart from petition No. 9 of 2006 (M). The orders of this Commission were challenged by the respondent CSEB before the Appellate Tribunal for Electricity in appeal No. 125, 126 and 127 of 2006. Vide their common order dated 28.11.2006, the Hon'ble Appellate Tribunal setaside the order of the Commission dated 23.5.2006 passed in Raghuvveer Ferro Alloys Ltd and others on the ground that the dispute in question falls under the category of a dispute between consumer and licensee and hence the Commission has no jurisdiction to adjudicate such a dispute. The dispute falls under section 42(5) of the Electricity Act, 2003 and further representation thereof under section 42(6) of the Act while the Act also does not take away the rights of the consumer to approach any other forum constituted under the Consumer Protection Act, 1986 or other courts as may be available. In the light of the above judgement this petition is rejected on the ground of lack of jurisdiction without any discussion on merits. The petitioner may avail of the remedies as available to him as mentioned earlier.

3. This order may be communicated to the parties and the case filed.

Sd/-  
Member

Sd/-  
Chairman

True Copy

(N.K. Rupwani)  
Secretary