

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Sub: Appeal filed in the Commission as directed by Hon'ble High Court of MP at Gwalior in W.P.No. 1763/2011.

ORDER

(Date of hearing 10th April, 2012)

(Date of order 11th April, 2012)

Shri Manoj Kumar Jain, - Petitioner
S/o Shri N.C.Jain,
Navratan Hotel, Jinsi Nala No. 1,
Lashkar, Gwalior (MP).

None appeared on behalf of petitioner.

2. Petitioner filed an appeal before the Commission, being directed by the Hon'ble High Court of M.P. at Gwalior in Writ Petition No. 1763/2011.

3. The petitioner has filed a Writ Petition in the Hon'ble High Court of M.P. at Gwalior being aggrieved by the arbitrary demand of Rs. 5, 58,790 in the matter of theft detected by the Electricity Distribution Company. In this Writ Petition Hon'ble High Court directed the petitioner to file an appeal against the demand of Rs. 5, 58,790 raised by Respondents before the Electricity Regulatory Commission which shall be decided in accordance with law. Accordingly, the petitioner filed this petition.

4. The case was listed for motion hearing on 19.12.2011.

5. During the hearing on 19.12.2011, a representative of the petitioner requested for adjournment of hearing on the ground that the senior advocate was busy attending cases in other courts. The Commission considered the request of the petitioner and directed that another date of hearing be fixed. The case was listed for hearing on 10.01.2012.

6. On 10.01.2012, no postponement was sought nor did anybody appear on behalf of the petitioner. The Commission decided to give one more opportunity to the petitioner to present his case. The case was listed for hearing on 14.02.2012.

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7. On 14.02.2012 the petitioner sought adjournment on the ground that the advocate was busy attending to cases in other courts. The Commission decided to give a final opportunity to the petitioner to present his case. The case was listed for hearing on 10.04.2012.

8. During the hearing on 10.04.2012, none appeared on behalf of the petitioner. The Commission, based on the written submission of the petitioner, observes that the demand was raised on the petitioner under Section 135 of the Act. Appeal against this recovery lies with the Special Court constituted under the Electricity Act, 2003. The Commission has no jurisdiction to entertain the appeal filed by the consumer for demand raised under Section 135. The petitioner may approach the concerned Special Court constituted under the Electricity Act, 2003, if he so desires.

9. The appeal filed by the petitioner as per the directions of the Hon'ble High Court in Writ Petition No. 1763/2011 stands dismissed in default of appearance of the petitioner and his counsel and also for lack of jurisdiction as mentioned above.

Ordered accordingly,

sd/-
(C.S.Sharma)
Member

sd/-
(Rakesh Sahni)
Chairman