

**BEFORE THE ELECTRICITY OMBUDSMAN: ARUNACHAL PRADESH
A-SECTOR, OPP. INDUSTRIAL AREA, NAHARLAGUN-791110**

Case Nos. APOM-1/2015, APOM-2/2015, APOM-3/2015 and APOM-4/2015

In the matter of representations filed before the Electricity Ombudsman,
Arunachal Pradesh by

1. M/s Shree Salasar Industries Pvt. Ltd.,
Lekhi Village, Naharlagun-791110

2. SMS Smelters. Ltd.,
Lekhi Village, Naharlagun-791110

3. M/s Satyam Ispat (North East) Limited,
NH-52, Baderdewa -791123

4. M/s Satyam Ispat Limited,
NH-52, Baderdewa -791123

Appellants

Versus

Department of Power,
Government of Arunachal Pradesh,
Itanagar

Respondent

Present:

Dr. SP Bhardwaj - Electricity Ombudsman

On behalf of the Appellants:

Shri Vijay Vyas - Director
Shri Mohan Ramchandran - Consultant

On behalf of the Respondent:

Shri J Deka - Junior Engineer (E)

ORDER

(Passed on 12th January, 2016)

1. The Government of Arunachal Pradesh, being an appropriate Government, is a licensee by virtue of third proviso to section 14 of the Electricity Act, 2003 (hereinafter referred to as '**the Act**') for the purposes of transmission and distribution of electricity in Arunachal Pradesh through its Department of Power. However, it is not required to obtain a license under the Act.

2. The Act provides under section 42 for constitution of a consumer grievance redressal machinery consisting of a forum and an authority to be known as Ombudsman to which and whom any consumer aggrieved by non-redressal of his grievance may make representation for redressal of his grievance as per guidelines as may specified by the State Commission. As per sub-section (5) of section 42 of the Act read with sub-rule of rule 7 of the Electricity Rules, 2005 (in short '**the Rules**') the forum shall be constituted by every distribution licensee within six months from the date on which the Act came into force, or date of grant of license, whichever is earlier, in accordance with the guidelines as may be specified by the State Commission. On the other hand, Ombudsman is required to be appointed or designated by the State Commission under the sub-section (6).

3. The Arunachal Pradesh State Electricity Regulatory Commission had notified Regulations called Arunachal Pradesh State Electricity Regulatory Commission (Redressal of Grievances) Regulation, 2011 (hereinafter referred to as '**Regulations, 2011**') in the Arunachal Pradesh Extraordinary Gazette no. 179 Vol. XVIII dated 09/11/2011 inter-alia specifying therein guidelines for setting up of Forum within 60 days from coming into force of the regulations or one hundred and eighty days from the date of grant of license, as required under section 42(5) of the Act. The Commission also designated its Secretary as Ombudsman under sub-section (6) of section 42 of the Act and subsequently appointed a full time Ombudsman with effect from 15-10-2015.

4. Under the provisions of section 42 of the Act and the Regulations made there under, the Electricity Ombudsman is an appellate authority to settle grievances of consumers. As per provisions contained in sub-regulation (1) of regulation 9 of the Regulations, 2011, an aggrieved consumer may make representation to the Ombudsman for redressal of his grievance within 10 days:

- (i) from the last day of the time as decided by the Forum while passing orders under sub-section (1) of regulation 6 requiring the licensee to remedy the fault or defect, **or**
- (ii) from the date of seeking redressal from the Forum under sub-regulation (1) of regulation 4.

In other words the existing provisions of the Act and the guidelines specified by the State Commission under Regulations, 2011 empower an aggrieved consumer to make his representation to the Electricity Ombudsman subject to fulfillment by him any one of the above requirements. It is also evident from the provisions cited above that under the prevailing circumstances when the Forum does not exist in Arunachal Pradesh; no consumer is able to satisfy any of the requirements made necessary to make representation to the Ombudsman for redressal of his grievance. Relevant Provisions of the section 42 of the Act and the regulation 9 of the Regulations, 2011 are extracted below:

Section 42

"42. Duties of distribution licensees and open access.

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier,

establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

- (6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.
- (7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may specified by the State Commission.
- (8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections."

Regulation 9

"9. Powers and functions of the Ombudsman.

- (1) If the licensee fails or neglects to remove or set right the fault or defect complained of by the consumer or if the forum neglects or is otherwise unable to deal with the complaint made to it the aggrieved consumer, within ten days from the last date of the time set for under sub-regulation (1) of regulation 6 or from the date of seeking redressal from the Forum under sub-regulation (1) of regulation 4, as the case may be, make a representation to the Ombudsman for redressal of the grievance."

5. In order to discharge its statutory obligations as well as to ensure an effective consumer grievance redressal mechanism for protection of interest of consumers under the Act, the requirements of section 42(5) of the Act read with read with Rule 7(3) of the Electricity Rules, 2005 and regulation 3(1) of the Regulations, 2011, as to establishment of an forum for redressal of grievances of consumers ought to have been

complied with by the Department of Power, Government of Arunachal Pradesh (hereinafter referred to as 'the DoP') within the time - limit specified therein. But the Department of Power has failed to establish such Forum even after when aforesaid four industries, after having no response from the authorities of the DoP namely, the Commissioner (Power) and the Chief Engineer (Power), Western Zone, Itanagar on their individual representations dated 01-01-2015 and 17-03-2015 in the matter of revised electricity bills raised against them by the Assistant Engineer (E), NESD-II, Nirjuli; felt a need for approaching the Forum for redressal of their grievance. But they could not do so because of non-existence of the same. Consequently, citing these facts they had to ultimately make their individual representations to the then Electricity Ombudsman in the months of March and April, 2015 seeking redressal of similar nature of grievances arising out of the revised electricity bills raised by the DoP for the period from 01/04/2013 to 31/12/2014, and making appeals to the Ombudsman therein to set aside and quash such revised bills, and to direct the Department of Power not to raise bills in respect of the said period and not to disconnect their electricity supply due to non payment of such bills and also to pass an interim order not to disconnect their electricity supply till the disposal of representations. It is interesting to note further that the State Commission has on 16-10-2015 notified fresh regulations namely,- Arunachal Pradesh State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2015, according to which (reference provisions contained in regulation 5(1) thereof) the DoP has to establish a Consumer Grievances Redressal Forum (CGRF) immediately so as to facilitate realization of consumer grievances redressal mechanism envisaged in the Act.

6. The Preceding Ombudsman holding a view that non-existence of the Consumer Grievances Redressal Forum (CGRF) is tantamount to CGRF being unable to deal with the grievances of the consumers, and

section 9(1) of the CGRF & Ombudsman Regulations also empowers the aggrieved consumers to approach the Ombudsman direct in case of non-redressal of their complaints by the licensee, admitted the said representations treating them to be petitions nos. 1/2015, 2/2015/3/2015 and 4/2015, and clubbed them together in view of their similar nature and relevance to the same Electrical Division and Sub Division of the DoP so as to hear and deal with them simultaneously. While taking up the said representations/ petitions he also made the following interim directions and conveyed the same to the relevant authorities of the Department of Power, Government of Arunachal Pradesh and to the petitioners as well vide Memo no. AP-EOM.1/2015/01-12 dated 10th April, 2015:

“10. In the interim, the Deptt. of Power, Govt. of Arunachal Pradesh is directed:

- i) Not to disconnect the electricity supply to any of the petitioners for not paying the disputed amount arising out of the issue raised in their respective petition for the period w.e.f. April'2013 to till date until disposal of the petitions.
- ii) To raise the current bills (w.e.f. April'2015) on the basis of actual consumption of electricity by the petitioners until disposal of the petitions.

11. In the interim the petitioners are also directed to continue to regularly pay the electricity bills raised by the Deptt. of Power for the actual consumption of electricity until disposal of the petitions failing which the Deptt. of Power shall be free to take needful action for default in payment in accordance to the provisions in section 56 of the Electricity Act,2003.”

Besides passing the aforesaid interim orders in the matter, he required the respondent authorities of the DoP to furnish comments on the representations of the aggrieved industries along with copies of relevant documents / records / orders. This process involving the collection of comments/information by the preceding Ombudsman was still going on

and taking considerable time. In the meantime, the State Commission appointed the undersigned as Ombudsman with effect from 15-10-2015. Consequently, all the four pending representations stood transferred to the undersigned, being succeeding Ombudsman.

7. Upon examination of the representations/rejoinders submitted by the aggrieved industries and other information furnished by the DoP in connection therewith, in the light of the existing provisions of Act, Rules and Regulations, it was found that the Ombudsman, being an appellate authority, has no jurisdiction to deal with representations received direct from any consumer who is aggrieved by the licensee. However, keeping in view the initiatives taken by the preceding Ombudsman on the representations, the undersigned thought it fit to hold a conciliation meeting with the representatives of the DoP and the aggrieved Industries with a view to render assistance to them to find out a mutual and amicable settlement of complaints. Accordingly, a notice no. AP.EOM-1/2015/01-14 dated 30-10-2015 for holding a conciliation meeting on 09-11-2015, as seen at Annexure 'A' was issued by the undersigned mentioning all relevant facts as to the pending representations and hinting therein vide paragraph (7) thereof that under the existing regulations a consumer who do not satisfy the requirements specified in the regulation 9(1) of Regulations, 2011 is not entitled to approach the Ombudsman for redressal of his grievances. It was also suggested and brought to the notice of the parties vide paragraph (10) thereof that it would be more appropriate and desirable if parties reach a mutual agreement towards settlement of the complaints so as to avoid provable and impending legal complications. However, no solution to the complaints emerged in the aforesaid conciliation meeting held on 09-11-2015 and attended by the Assistant Engineer (E), NESD-II, Nirjuli, as a representative of the DoP who expressed that he was not authorized to enter into an agreement with the aggrieved Industries for settlement of their complaints. Since the meeting did not yield desirable results, at the end of the meeting the parties were called upon to furnish to the

undersigned their reports about outcome of the meeting. Subsequently, the aggrieved Industries communicated in writing to the undersigned requesting to continue conciliation proceedings for the settlement of complaints. However, the undersigned declined to hold any further conciliation proceeding as requested and intimated the parties including the DoP vide Notice dated 24-11-2005 seen at Annexure 'B', that they were at liberty to make efforts at their own level to reach a mutual agreement for settlement of complaints by 15-12-2015, otherwise thereafter a date would be fixed by the undersigned for hearing. Accordingly, separate notices fixing a date for holding the hearing by the undersigned on 12-01-2016 were issued.

8. The aggrieved Industries and the DoP through its Assistant Engineer (E), NESD-II, Nirjuli, had already furnished their respective written submissions as called for, as such their representatives namely,- Shri Vijay Vyas, Director, and Shri Mohan Ramchandran, Consultant, on behalf of all the four Industries, and Shri J. Deka, Junior Engineer(E) on behalf of the DoP, who attended the hearing on 12-01-2016 had nothing to add to what had already been submitted by the Industries and the DoP in the written statements which were merely reiteration of contents / facts brought before the Ombudsman earlier by means of representations, comments, rejoinders , and discussed in the conciliation meeting held on 09-11-2015. When it was expressly pointed by the undersigned that the Ombudsman has no jurisdiction to deal with the instant representations for the reason that in respect of none of them channel of CGRF as prescribed under the regulations specified by the State Commission has not been exhausted by the aggrieved Industries in the first instance. Secondly as per sub-rule 3 of rule 7 of the Electricity Rules, 2005 the Ombudsman is bound to consider only those representation of the consumers which are consistent with the relevant provisions of the Rules and Regulations made there under. As such the same be withdrawn by the aggrieved Industries so as to be submitted to the Forum as soon as it is established by the DoP, being the (deemed) licensee, in compliance with the provisions of the Act, Rules

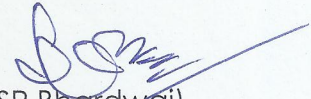
and the Regulations. At this the representative of the Industries, Shri Mohan Ramchandran emphatically submitted that the preceding Ombudsman admitted the representation and passed interim orders therein, they should therefore be settled by the present Ombudsman on merits. In response to submission so made, the undersigned made it clear to the representatives of the Industries that notwithstanding the initiatives taken by the preceding Ombudsman it is not permissible for the present Ombudsman to go beyond his jurisdiction to settle the complaints although he has already made his conciliation efforts and rendered assistance to the parties to resolve the same mutually.

9. Considering the facts discussed in foregoing paragraphs specially those in paragraph (4) it is the considered view of the undersigned that the Ombudsman is not empowered and as such has no original jurisdiction to deal with the instant representations made by the aforesaid Industries for redressal of grievances arising out of the revised electricity bills raised by the DoP levying minimum charges. All the representations, therefore, can not be entertained by the Ombudsman for want of jurisdiction, and the same stand rejected. Accordingly, all the representations are disposed off requiring the following measures on the parts of the Department of Power and the said respective Industries:

- (i) In order to comply with the requirements of the provisions of section 42(5) of the Act the Department of Power, Government of Arunachal Pradesh, being licensee under the section 14 of the Act, may expeditiously establish a Forum for Redressal of Consumers Grievances (CGRF) in accordance with the existing guidelines specified by the State Commission under the Arunachal Pradesh State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2015 notified in the Arunachal Pradesh Extraordinary Gazette no. 254 Vol. XXII dated 16-10-2015. So that the aggrieved Industries may submit their

representations before the CGRF for redressal of their long pending grievances. It is also desirable on the part of the DoP to maintain status quo in the mean time and not to act anything in pursuance of the revised electricity bills against which the aforesaid Industries have raised objections by means of their representations.

- (ii) The respective aggrieved Industries may submit their representations to the CGRF as soon as the same is established by the Department of Power, Government of Arunachal Pradesh for redressal of their grievances in the first instance. However, if they feel an urge for early redressal of their grievances they may resort to an option as may be available as per section 42(8) of the Electricity Act, 2003 or otherwise.



(Dr SP Bhardwaj)
Electricity Ombudsman
Arunachal Pradesh


Memo No. AP-EOM.1/2015/184-94 Dated, Naharlagun, the 25th January, 2016
To:

1. The Chief Engineer (Power), Western Electrical Zone, Department of Power, Government of Arunachal Pradesh, Itanagar.
2. The Executive Engineer (E), Naharlagun Electrical Division, Department of Power, Yupia.
3. The Assistant Engineer (E), Naharlagun Electrical Sub Division- II, Department of Power, Nirjuli.
4. Mr., Rakesh Pareek, Manager, Shree Salasar Industries Pvt. Ltd., NH-52, Lekhi Village, Naharlagun-791110.
5. Mr. Lalit Jangit, Satyam Ispat (North East) Limited, NH-52, Baderdewa-791123.
6. Mr. Rakesh Pareek, Manager, SMS Smelters Ltd., NH-52, Lekhi Village, Naharlagun-791110.

7. Mr. Lalit Jangit, Satyam Ispat, NH-52, Baderdewa-791123.
8. Concerned case files.
9. Guard File of orders/ notices.

Copy to:

1. The Chief Secretary, Government of Arunachal Pradesh, Itanagar, for kind information.
2. The Commissioner (Power), Government of Arunachal Pradesh, Itanagar, for kind information.
3. The Secretary, APERC, A-Sector, Opp. Industrial Area, Naharlagun for necessary information of the Arunachal Pradesh State Electricity Regulatory Commission which may invoke section 142 of Electricity Act,2003 and accordingly issue appropriate directions to the Department of Power , Government of Arunachal Pradesh to establish the Consumer Grievances Redressal Forum without any further delay. He is also kindly requested to get this Order uploaded on the official web-site of the Commission as early as possible.


(Dr SP Bhardwaj)
Electricity Ombudsman
Arunachal Pradesh

**OFFICE OF
THE ELECTRICITY OMBUDSMAN: ARUNACHAL PRADESH
A - SECTOR, OPP. INDUSTRIAL AREA, NAHARLAGUN-791110**

NO. AP-EOM.1/2015

Dated, Naharlagun, the 30th October, 2015

NOTICE

1. **Whereas** section 14 of the **Electricity Act, 2003** (Act No. 36 of 2003), hereinafter referred to as the Act, confers a status of licensee on the Government of Arunachal Pradesh which is carrying on through its Department of Power business of transmission, distribution and retail supply of electricity in Arunachal Pradesh.
2. **And whereas** section 42(5) of the Act provides that every distribution licensee shall establish a forum for redressal of grievances of consumers in accordance with guidelines as may be specified by the State Commission.
3. **And whereas** the Arunachal Pradesh State Electricity Regulatory Commission has notified Regulations called **Arunachal Pradesh State Electricity Regulatory Commission (Redressal of Grievances) Regulation, 2011** (hereinafter referred to as Regulations, 2011) in the Arunachal Pradesh Extraordinary Gazette no. 179 Vol. XVIII dated 09/11/2011 inter-alia specifying therein guidelines for setting up of Forums as required under section 42(5) of the Act.
4. **And whereas** regulation 3(1) of the Regulations, 2011 provides that every licensee shall, within 60 days from coming into force of the regulations or one hundred and eighty days from the date of grant of license, set up a Forum for redressal of grievances of consumers. However, the Government of Arunachal Pradesh, being a deemed licensee in terms of section 14 of the Act, has not so far set up the forum.
5. **And whereas** section 42 (5) of the Act provides that any consumer, who is aggrieved by non-redressal of his grievance under sub-section (5) of the Act, may make a representation for redressal of his grievance to an authority to be known as **Ombudsman** to be appointed by the State Commission.
6. **And whereas** in pursuance of sub-section (6) of section 42 of the Act the Arunachal Pradesh State Electricity Regulatory Commission initially designated its Secretary as Electricity Ombudsman but has now appointed the undersigned as Electricity Ombudsman with effect from 15-10-2015.

7. **And whereas** under the provisions of the Act and regulations made there under, the Electricity Ombudsman is an appellate authority to settle grievances of consumers. As per provisions contained in sub-regulation (1) of regulation 9 of the Regulations, 2011, an aggrieved consumer may make representation to the Ombudsman for redressal of his grievance only within 10 days either from:

- (i) The last day of the time as decided by the Forum while passing orders under sub-section (1) of regulation 6 of Regulations of 2011 requiring the licensee to remedy the fault or defect, or
- (ii) The date of seeking redressal from the Forum under sub-regulation (i) of regulation 4.

In other words the existing provisions of the Act and the guidelines specified by the State Commission under Regulations, 2011 empowers an aggrieved consumer to make his representation to the Electricity Ombudsman subject to fulfillment by him one of the conditions as laid down in the sub-regulation (1) of regulation 9 as mentioned above which necessarily have involvement / implication of a Forum required to be established by the licensee under the Act and guidelines specified by the State Commission.

8. **And whereas** four industries namely,- **M/s Shree Salasar Industries Pvt. Ltd.**, NH-52A, Lekhi Village, Naharlagun; **M/s satyam Ispat (North East) Limited**, NH-52, Baderdewa; **M/s SMS Smelter Ltd.**, NH-52A, Lekhi Vill, Naharlagun and **M/s Satyam Ispat**, Baderdewa, citing non-existence of a forum had filled their individual representations to the then Electricity Ombudsman in the months of March and April, 2015 seeking redressal of similar nature of grievances arising from the revised electricity bills raised by the Department of Power for the period from 01/04/2013 to 31/12/2014, and making appeals to the Ombudsman therein to set aside and quash such revised bills, and to direct the Department of Power not to raise bills in respect of such period and not to disconnect electricity supply due to non payment of such bills and also to pass an interim order not disconnect their electricity supply till the disposal of representations.

9. **And whereas** the then Electricity Ombudsman holding a view that non-existence of the Consumers' Grievances redressal Forum (CGRF) is tantamount to CGRF being unable to deal with the grievances of the consumers, and section 9(1) of the CGRF & Ombudsman Regulations also empowers the aggrieved consumers to approach the Ombudsman direct in case of non-redressal of their complaints by the licensee. admitted the said representations treating them to be petitions nos. 1/2015, 2/2015/ 3/2015 and 4/2015, and clubbed them together in view of their similar nature and relevance to the same Electrical Division and Sub Division of the Department of Power, Government of Arunachal Pradesh so as to hear and deal with them simultaneously. While taking up the said representations/ petitions he also

made the following interim directions and conveyed the same to the relevant authorities of the Department of Power, Government of Arunachal Pradesh and the petitioners as well vide Memo no. AP-EOM.1/2015/01-12 dated 10th April, 2015:

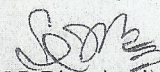
“10. In the interim, the deptt. of Power, Govt. of Arunachal Pradesh is directed:

- i) Not to disconnect the electricity supply to any of the petitioners for not paying the disputed amount arising out of the issue raised in their respective petition for the period w.e.f. April'2013 to till date until disposal of the petitions.
- ii) To raise the current bills (w.e.f. April'2015) on the basis of actual consumption of electricity by the petitioners until disposal of the petitions.

11. In the interim the petitioners are also directed to continue to regularly pay the electricity bills raised by the Deptt. of Power for the actual consumption of electricity until disposal of the petitions failing which the Deptt. of Power shall be free to take needful action for default in payment in accordance to the provisions in section 56 of the Electricity Act,2003.”

10. **And whereas** it appears to the undersigned that in order to avoid probable and impending legal complications by the parties involved namely, - the aggrieved industries and the Department of Power, Government of Arunachal Pradesh, it would be more appropriate and desirable for them to reach a mutual and amicable settlement of the complaints by the process of conciliation through the undersigned.

11. **Therefore**, I hereby fix a meeting on **9th November, 2015 at 11.00 AM in my Office to hold conciliation discussions with the authorized representatives of the aggrieved industries, and authorities/ representatives duly authorized by the Department of Power, Government of Arunachal Pradesh and to render assistance to them to reach a mutual agreement** in the matter in the light of relevant provisions of the Electricity Act,2003; the Arunachal Pradesh State Electricity Commissions (Redressal of Grievances) Regulation,2011; the Arunachal Pradesh Supply Code 2013, the Arunachal Pradesh State Electricity Commissions (Terms and Conditions for determining of Tariff and Formats for Tariff Filing) Regulations, 2011; Electricity Tariff in force etc.


(Dr SP Bhardwaj) 30/10/15
Electricity Ombudsman
Arunachal Pradesh

Memo No. AP-EOM.1/2015/01-14

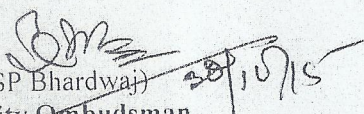
Dated, Naharlagun, the 30th October, 2015.

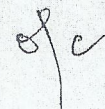
Copy to the following with a request to them to kindly make it convenient to attend the meeting on the said date and time specified above:

1. The Chief Engineer (Power), Western Electrical Zone, Deptt. of Power, Govt. of Arunachal Pradesh, Itanagar.
2. The Executive Engineer (E), Naharlagun Electrical Division, Deptt. of Power, Nirjuli.
3. The Assistant Engineer (E), Naharlagun Electrical Sub Division- II, Deptt. of Power, Nirjuli.
4. Mr. Rakesh Pareek, Manager, Shree Salasar Industries Pvt. Ltd., NH-52, Lekhi Vill, Naharlagun-791110.
5. Mr. Lalit Jangid, Satyam Ispat (North East) Limited, NH-52, Baderdewa-791123.
6. Mr. Rakesh Pareek, Manager, SMS Smelters Ltd., NH-52, Lekhi Vill, Naharlagun-791110.
7. Mr. Lalit Jangid, Satyam Ispat, NH-52, Baderdewa-791123.
8. Concerned case files.
9. Guard File of orders/ notices.

Copy to:

1. The Commissioner/Secretary (Power), Government of Arunachal Pradesh, Itanagar. for kind information.
2. The Secretary, APERC, A-Sector, Opp. Industrial Area, Naharlagun. He is requested to move the Arunachal Pradesh State Electricity Regulatory Commission to take cognizance of the fact that the Government of Arunachal Pradesh has not so far established a forum under sub section (5) of section 42 the Electricity Act, 2003, though a period of about four years has elapsed since the Commission made the Regulation specifying the guidelines in this regard.


(Dr SP Bhardwaj) 20/10/15
Electricity Ombudsman
Arunachal Pradesh



ANNEXURE 'B'

**OFFICE OF
THE ELECTRICITY OMBUDSMAN: ARUNACHAL PRADESH
A-SECTOR, OPP. INDUSTRIAL AREA, NAHARLAGUN-791110**

NO. AP-EOM.1/2015

Dated, Naharlagun, the 24th November, 2015


NOTICE

1. **Whereas** a conciliation meeting was held by the Electricity Ombudsman, Arunachal Pradesh on 09/11/2015. The meeting was attended by the representatives of the Appellants and the Respondent involved in the case nos. APEOM-1/2015, APEOM-2/2015, APEOM-3/2015 and APEOM-4/2015
2. **And whereas** the said meeting was arranged in such way that the said representatives were explained by the Electricity Ombudsman not only individually but also jointly about the factual position of the cases within the framework of the Electricity Act, 2003 and regulation made there under with a view to enable them to find out solution mutually to their vexed issues and reach amicable agreements/settlements thereon.
3. **And whereas** the parties represented by Shri Vijay Vyas, Director, and Shri Mohan Ramchandran from the side of Appellants, and the Assistant Engineer (E), Naharlagun Electrical Sub Division-II, Nirjuli (in short AE (E), NESD-II) along with his Junior Engineer (E) on behalf of the Respondent, Department of Power, Government of Arunachal Pradesh, took good initiatives and discussed the cases mutually in the meeting. However, notwithstanding consensus between them on some points involved in the issues leading to the representation by the Appellants, it was emerged and as expressed by them also at the end

4. **And whereas** keeping in view the discussions during the conciliation meeting and concerns expressed by the parties therein , the Electricity Ombudsman asked Shri Vijay Vyas, Director representing the Appellants and the AE(E), NESD-II to communicate to the Electricity Ombudsman about the outcome of the meeting in terms of its failure or otherwise.

5. **And whereas** the Electricity Ombudsman has so far not received any communication in this regard from any party except M/s Satyam Ispat NE Ltd. and M/s satyam Ispat Ltd. vide a letter of 09/11/2015 signed by one shri Lalit Jangid on behalf of them and requesting the Electricity Ombudsman to fix a suitable date for continuing the negation and conciliation with the officials of Department of Power.

6. Keeping in view the facts stated above, the Electricity Ombudsman does not find it appropriate and necessary to hold any further conciliation meeting in the aforesaid cases. However, the parties are at liberty to continue to make efforts themselves to resolve the issues mutually by 15-12-2015. Thereafter, without waiting any communication from the Appellants / Respondent, the Electricity Ombudsman shall proceed further to fix an early date for hearing the cases for their disposal.

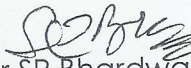

(Dr SP Bhardwaj) 24/11/15
Electricity Ombudsman
Arunachal Pradesh

Memo no, AP-EOM.1/2015/49-59 Dated, Naharlagun, 24th Nov, 2015

Copy to:

1. The Commissioner (Power), Government of Arunachal Pradesh, Itanagar.

2. The Chief Engineer (Power), Western Electrical Zone, Deptt. of Power, Govt. of Arunachal Pradesh, Itanagar.
3. The Executive Engineer (E), Naharlagun Electrical Division, Deptt. of Power, Nirjuli.
4. The Assistant Engineer (E), Naharlagun Electrical Sub Division- II, Deptt. of Power, Nirjuli.
5. Mr. Rakesh Pareek, Manager, Shree Salasar Industries Pvt. Ltd., NH-52, Lekhi Vill, Naharlagun-791110.
6. Mr. Lalit Jangid, Satyam Ispat (North East) Limited/ satyam Ispat Ltd. NH-52, Baderdewa-791123.
7. Mr. Rakesh Pareek, Manager, SMS Smelters Ltd., NH-52, Lekhi Vill, Naharlagun-791110.
- ✓ 8. Concerned case files.
9. Guard File of orders/ notices.


(Dr SP Bhardwaj) 24/11/15
Electricity Ombudsman
Arunachal Pradesh