

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.W.J.C No. 1793 OF 2001

Madhu Sudan Mittal

Petitioner

Versus

Jharkhand State Electricity Board & Ors.

Respondents

CORAM

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MR.JUSTICE AMARESHWAR SAHAY**

For the Appellant/Petitioner

Mr.M.S.Mittal (A.C)

For the Respondent-J.S.E.B

M/s.V.P.Singh, Snr.Advocate, Shankar, P.K.Singh,

For the Intervener

Mr.M.Jagannath

For the State of Jharkhand

M/s. R.N.Sahay, Sr.S.C.I, R. Prasad, JC to Sr.SC II

For the JSERC

Mr.S.Srivastava

80. 31.7.2007 Only at the instance of this Court, the counsel for the Jharkhand State (Later on) Electric Regulatory Commission has filed the affidavit containing suggestions, which the Advocate General has been directed to assess with reference to their implementation and feasibility.

Today an affidavit on behalf of the Jharkhand State Electricity Board has been filed, causing aspersion against the Commission, which we do not relish. In fact, it is stated in paragraphs 8 and 9 at pages 4 and 5 therein as follows:-

*"8. ...As such, the restructuring/reorganization of the Jharkhand State Electricity Board is not among the duties provided to the State Regulatory Commission, rather it is to ensure a healthy environment among the licensees in the field of electricity within the State.*

*9. That it is stated that curiously enough, the JSERC appears to be more interested in the restructuring of JSEB than to ensure a proper supply of electricity in the township of Ranchi for the reasons best known to it. ...."*

These wordings, in our view, do not sound well. Our <sup>legitimate</sup> concern is that there is no sound functioning in the Electricity Board. For this reason, we required the service of the Commission to give suggestions and only at our instance, the Commission gave suggestions. We have also requested the learned Advocate General to examine those suggestions for making appropriate and feasible suggestions before this Court. Therefore, it is not proper to say on behalf of JSEB that "restructuring/reorganization of the Jharkhand State Electricity Board is not among the duties provided to the Jharkhand State Regulatory Commission and also the JSERC appears to be more interested in the restructuring of JSEB than to ensure

a proper supply of electricity in the township of Ranchi for the reasons best known to it"

In our view, there is no reason as to why this sort of criticism has been made by the Electricity Board against the Regulatory Commission. These statements of Electricity Board will not help the situation; on the other hand, it creates unhealthy gesture. This sort of affidavit should not filed in future. Therefore, it would be appropriate to impose a cost of Rs.10,000/- (Rs. Ten thousand only) on the Jharkhand State Electricity Board, to be paid to a charitable institution, i.e. St. Michael Blind School, Ranchi.

Sd/- (M. Karpaga Vinayagam, CJ)

Sd/-  
(Amareshwar Sahay, J)

True Copy

Secretary

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