

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY  
COMMISSION, SHIMLA**

In the matter of:-

Sh. L.K. Mahajan.  
Lalit Bhawan, Near Kinnaur House,  
Khalini, Shimla-02.

.....Petitioner

Versus

1. The HP State Electricity Board Ltd. thro' its,  
Executive Director (Pers.)  
Vidyut Bhawan, Shimla-04.
2. The Chief Engineer (OP) South,  
HPSEBL, Kumar House, Shimla-04.
3. The Superintending Engineer (OP) Circle  
HPSEBL, Kasumpti, Shimla-09.
4. The Sr. Executive Engineer,  
City Elect. Division,  
HPSEBL, Shimla.
5. The Assistant Engineer,  
ESD, HPSEBL, Chhota Shimla

.....Respondents

Petition No. 116/ 2013

(Decided on **2<sup>nd</sup> December, 2013**)

**CORAM**  
**SUBHASH C. NEGI**  
**CHAIRMAN**

Counsel:-

for the petitioner : Sh. O.C.Sharma Advocate,

for the respondents with Sh. Ramesh Chauhan  
(Authorised representative)

**ORDER**

(Last heard on 19.11.2013 and Orders reserved)

This petition/complaint has been moved under section 142 of the Electricity Act, 2003, alleging non-implementation of the Order dated 19.10.2012, passed by the Consumer Grievances Redressal Forum (CGRF) in

complaint No. 1233/1/12/2011 and the licensee's failure to comply the provisions of Regulation 27 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.

2. Sh. L.K. Mahajan the petitioner is a consumer and has been provided electric connections 7 in number in his premises comprised of four (4) storey's, known as Lalit Bhawan, near Kinnour House, Khalini, Shimla-2. One of the aforesaid 7 connections was connection No. ATL 2025D. One complaint filed by the petitioner, on 21.01.2012, with the HPSEB Ltd., was considered by the Consumer Grievances Redressal Forum (CGRF) set up under sub-section (5) of section 42 of the Electricity Act, 2003 and the CGRF gave an opportunity to reconcile the matter in the Office of S.E. (OP) Circle, Shimla. The CGRF on the basis of reconciliation report directed that:-

- (a) the remaining connections be released as and when the codal formalities/documents for new connections already applied connections are completed;
- (b) as per reconciliation meeting the respondent Board officers to initiate action for withdrawal of FIR against the complainant.
- (c) the complainant is free to approach appropriate Court/ Commission regarding claiming of loss, if any, suffered by him.

3. The review application against the impugned Order dated 19.10.2012 moved by the respondents was also disposed off by the CGRF on 26.6.2013 and the Order of the CGRF passed on 19.10.2012 attained finally. The complainant approached the CGRF on 20.8.2013 to initiate the action, for non-compliance of its Order dated 19.10.2012, against the respondents under section 142 of the Electricity Act, 2003, read with regulation 27 of the HPERC (Consumer

Grievances Redressal Forum and Ombudsman) Regulations, 2013 and the respondents failed to furnish the compliance report of the CGRF Order dated 19.10.2012, regarding the requisite steps to be taken for seeking the approval of the Board of Directors of the HPSEB Ltd., for withdrawal of FIR No.10/2012 lodged under section 420 IPC in the Police Station Chhota Shimla.

4. The complainant /petitioner has, therefore, now moved the present petition, under section 142 of the Electricity Act, 2003, seeking the directions of this Commission to the respondents to comply with the CGRF Order dated 19.10.2012, directing the withdrawal of the FIR No.10/2012, lodged under section 420 IPC in the Police Station Chhota Shimla against the complainant.

5. Regulation 27 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, which provides for compliance of the Orders of the Forum, reads as under:-

**“27. Compliance of the order of Forum. -** (1) The licensee shall comply with the order of the Forum within 21 days or within such shorter period as may be directed by an order made by the Forum, from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the licensee, may extend the period for compliance of its order upto a maximum of three months. Non-compliance of the order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under section 142 of the Act.

(2) The concerned officer of the licensee shall furnish a compliance report of the order of the Forum within seven days from the date of compliance, to the Forum and to the complainant. The Forum shall keep

a record of the compliance of its orders and review the same every month. In case of non-compliance of its orders, the Forum shall take up the matter with the higher authorities of the licensee for compliance. If even after that the order is not complied with, the Forum shall inform the Commission regarding such non-compliance.”

6. During the hearing of this petition the person representing the respondent Board submits that the necessary approval of the Board for the withdrawal of FIR has been accorded and has produced the letter dated 7.10.2013, addressed to the Chief Engineer (OP) South, HPSEBL Shimla-4, directing him to initiate the appropriate action by detailing some responsible officer/Official for withdrawal of the FIR in question.

7. In view of above submissions made on behalf of the respondent Board, this petition has become infructuous. The petition is disposed of accordingly.

**(Subhash C. Negi)**  
**Chairman.**