

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION

Appeal No. 245/07

In the matter of :-

M/S Deluxe Enterprises, Bharatgarh Road,
Nalagarh, Tehsil Nalagarh, Distt. Solan,
H.P. through its Partner Sh. Vivek

V/S

1. The H.P. State Electricity Board,
Vidyut Bhawan, Shimla-4.
Through its Secretary.
2. The Superintending Engineer (OP) Circle,
HPSEB, Solan. H.P.
3. The Asstt. Executive Engineer,
Sub-Division. No. 1, HPSEB,
Nalagarh, Distt. Solan, H.P.

Sh. Rakesh Thakur, Advocate,
present for the appellant
Sh. Bhagwan Chand Advocate
present for the respondents

(Date of decision 15.12.2007)

Order

Facts in brief are that M/S Deluxe Enterprises, Bharatgarh Road, Nalagarh, Tehsil Nalagarh, Distt. Solan (hereinafter referred "as the appellant") filed before the Electricity Ombudsman an appeal/ representation under regulation 13 of the HPERC (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers) Regulations, 2003, read with section 42 (6) of the Electricity Act, for setting aside the order of the Forum for Redressal of Grievances of Consumers (hereinafter referred as "the Forum") passed on 6.6.2007 in complaint No. 1431306037 titled as M/S Deluxe Enterprises V/s HPSEB. The Learned Electricity Ombudsman fixed the said representation for hearing on 18.8.07, 15.9.07, 21.9.07 and 6.10.07. On 6.10.2007 the Ombudsman dismissed the case for non pursuing the same.

Subsequently, on 8.10.07 the appellant's Ld. Counsel prayed for restoration of the aforesaid case on the plea that he could not attend the hearing on 6.10.2007 due to his self illness on that day and his absence was not willful. But the Learned Ombudsman vide his order dated 9.10.2007 considered and rejected the request for restoration of the case, as under the regulations he had no power to recall/restore the appeal. Aggrieved by the order of the Ombudsman the appellant has moved this appeal before this Commission.

The Learned Counsel for the appellant has only given reason for his non-appearance on 6.10.2007 but has not given any cogent reasons for his repeated non-appearance on 18.8.07, 15.9.07 and 21.9.07 before the Ombudsman. The Commission, therefore, finds no convincing reasons to interfere with the Ombudsman's orders dated 6.10.2007 and 9.10.2007. In view of this, the appeal is dismissed as not admitted.

Announced in open Court.

File be consigned to record room.

(Yogesh Khanna)
Chairman