

Appeal No. 178/06
M.A.No.179/06

In the matter of:-

Ms Sri Rama Steels Ltd. Village Bated, Baddi, Road, Barotiwala, Tehsil Kasauli,
Distt. Solan, HP.

....Appellant.

Versus

1. HP State Electricity Board, Vidyut Bhawan, Shimla-4.
2. Assistant Executive Engineer, Electrical Sub-Division, Barotiwala, Tehsil
Kasaulai, Distt. Solan, HP.

...Respondents.

Appeal under Regulation 12-A of the Himachal Pradesh Electricity Regulatory
Commission (Electricity Ombudsman) Regulations, 2004 against the order dated
29.07.2006 made by the HP Electricity Ombudsman.

Present for: Appellant: Sh.O.C.Sharma, Adv.
Sh. R.S.Thakur, Adv.

HPSEB, Respondent: Sh.Bimal Gupta, Advocate

ORDER

This is the second appeal against the order made by the Electricity Ombudsman on 29th July, 2006 in appeal against the order of the Forum for Redressal of Grievances of Consumers, HPSEB in complaint No. 1425305001 decided on 5.10.2005. The findings of the Forum set up under sub-section (5) of section 42 of the Act and of the Appellant Authority, i.e. Electricity Ombudsman, appointed under sub-section (6) of the said section 42, are concurrent. Apart from this no substantial questions of law are involved. There seem to be no adequate reason to interfere with the concurrent findings of the facts. In the case of a second appeal it is the bouden duty and obligation of the Appellate Court to formulate questions of law and then only the Appellate Court can proceed with the case to decide those questions of law. The legislature never wanted second appeal to become 'third trial on facts' or 'one more dice in the gamble'. In view of this, the Commission declines to admit this appeal and the stay application i.e. M.A.No. 179/06 is also disposed of accordingly.

Announced in open Court and the case file is ordered to be consigned to the record room.

Dated: 08.09.2006

(Yogesh Khanna)
Chairman

