



HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
SHARMA SADAN, BEHIND KEONTHAL COMPLEX, SHIMLA-171002
Phone: 0177-2624525, email: ombudsmanelectricity.2014@gmail.com

In the matter of:

Complaint No. 25/2022

M/S Him Technoforge Ltd., Village Kishanpura, PO Manpura, Tehsil Nalagarh, District Solan, HP-174102

- Complainant

Vs

1. **Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004**
2. **The Assistant Engineer (E), Electrical Sub-Division, HPSEBL, Manpura, Tehsil Nalagarh, District Solan, HP-174102**
3. **The Sr Executive Engineer, Electrical Division, HPSEB Ltd, Baddi, District Solan, HP-173205**
4. **The Sr Executive Engineer, ES Division, HPSEB Ltd, Nalagarh, District Solan, HP-174101**

- Respondents

Date: 25/03/2023 (12:00 PM)

Present for:

The Complainant: Sh. Mohit Pathak for Sh. Rakesh Bansal, Authorized representative

The Respondents: Sh. Anil K God Advocate, Sh. Kamlesh Saklani Law Officer

Order

(Last heard on 25/02/2023)

Case called, both parties were heard. The Respondents had filed their short reply on maintainability issue during last hearing. The Complainant filed his rejoinder on 15/03/2023 and also filed written arguments during the course of hearing. The Respondents argued their case on maintainability of the application filed by the Complainant. They specifically mentioned and argued on the provisions of Regulation 26 (5) alongwith first proviso. They stated that the first proviso entitles the Forum below to decide the case even after period of 45 days recording the reasons for delay.

Further, they argued that the provisions under 26 (5) first proviso is absolute and the Complainant even didn't attend the last hearing on 20/12/2022 wherein the Respondents had sought two week's time to file their reply and the next date was fixed for 09/01/2023. They further stated that without waiting for the process to be complete at the Forum below the Complainant filed the current application just after two days under the provisions of Regulation 28 (1) (a) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013. They further stated that provisions of Regulation 28 (1) (a) has to be read with provisions of Regulation 26 (5) first proviso.

The Complainant had argued mainly on the provisions of Regulation 28 (1) (a) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and

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Ombudsman) Regulations, 2013 stating that since the Forum below didn't decided the case within a period of 45 days as per provisions of the Regulation and even the Respondents didn't filed their reply after restoration of their application on 04/11/2022 when the case was listed for 30/11/2022 and 20/12/2022, they had no option except to approach this Appellate Forum to decided the matter on merits of the case. The Complainant further argued that the Respondents were trying to deliberately delay the matter due to past litigations by seeking time again and again to file their reply. And now again at this Appellate Forum they are delaying the same by challenging the grievance on account of maintainability.

The case was registered at this Appellate Forum on 23/12/2022 and the next date for hearing was 21/01/2023 and the Respondents failed to file their reply. The case was again listed for 25/02/2023 but the Respondents filed their short reply on maintainability of the application filed by the Complainant during the course of hearing. It took Respondents two months to file short reply on maintainability issue. The Respondents casual approach to file the reply can be seen at the Forum below as well as at this Appellate Forum and this attitude and carelessness on part of the Respondents is not appreciated which can be seen as delaying the process of adjudication.

Now let us examine the provisions of Regulation 28 (1) (a) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 reproduced below"

Representation against the Forum's order. - (1) A complainant may prefer a representation before the Ombudsman appointed/ designated by the Commission under the following circumstances:-

(a) if the complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified,

The time period specified for disposal of the application at the Forum below is 45 days as per provisions under Annexure-I (Sr No. 6) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013. In this instant case the Forum below failed to decide the case within the time limit of 45 days specified and even the Respondents failed to file their reply at Forum below despite giving two opportunities till 30/11/2022 and 20/12/2022.

The statement of the Respondents that the Forum below can decide the case even after 45 days recording reasons of delay is not denied but this does not debar the Complainant to file an appeal to decide the case on merits at this Appellate Forum under the provisions of Regulations 28 (1) (a) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 and this fact can't be ignored either after the Forum below fail to decide the case within a period of 45 days.

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25/03/2023



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Clearly, the application filed by the Complainant under the provisions of Regulation 28 (1) (a) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 is maintainable since these provisions are absolute and entitles the Complainant to file the case under the provisions of above stated Regulations.

Accordingly, as announced in the court today, the current application filed by the Complainant under the provisions of Regulation 28 (1) (a) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 is maintainable and decided accordingly.

The Respondents are directed to file their detailed reply on merits of the case on or before 10/04/2023 positively **duly supported by attested affidavit** and the Complainant may file his rejoinder by 12/04/2023. The case is listed for hearing on 13/04/2023 at 12:00 PM or immediately thereafter.



Given under my hand and seal of this office.

No. HPEO/(Case No. 25/2022)/2022-23- 298-902

Leuph
25/03/2023
Electricity Ombudsman
Dated: 25/03/2023

