



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. 05/2023

Sh. Sunil Kumar Thakur, S/o Sh. Jagdish Thakur, r/o Village Shangti, PO Summerhill, District Shimla HP-171005
- Complainant

Vs

1. The Superintending Engineer (Op) Circle, HPSEB Ltd, Kasumpti, Shimla-171009
2. The Sr Executive Engineer, City Electrical Division, HPSEB Ltd, Shimla, District Shimla, HP-171001
3. The Sr Executive Engineer, FSU-2, HPSEB Ltd, (O/O Chief Engineer (Commercial), Shimla, HP-171004
4. The Assistant Engineer, Electrical Sub-Division, HPSEB Ltd, Boileauganj, Shimla-171005
- Respondents

1. Complaint No05/2023 (Registered on 25/2/2023)
2. (Orders reserved on 03/08/2023, Issued on 10/08/2023)

Counsel for:

The Complainant:

Sh. Raj Kumar Verma Advocate

Sh. Naveen Kumar Dhiman Advocate

The Respondents:

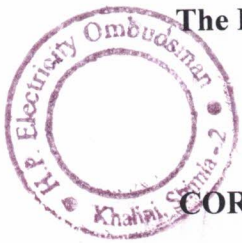
Sh. Kamlesh Saklani Law Officer

Sh. Rajesh Kashyap Advocate

CORAM

Er. Deepak Uppal

HP Electricity Ombudsman





ORDER

1. The case was registered on 25/02/2023. The Complainant had not attached proof of having deposited the 50% of disputed amount along with the Complaint in line with provisions under Regulation 33 (1) (g) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 and was directed vide interim order dt.25.02.2023 to submit proof of having deposited 50% of the disputed amount with the Distribution Licensee on or before 04/03/2023 positively. The case was to be listed thereafter.
2. The Complainant now had produced receipt in respect of having submitted balance 20% amount with the Respondent Board making the same at 50% of the disputed amount. Vide Interim order dt. 03/03/2023 the Respondents were directed to file their reply duly supported by attested affidavit on or before 17/03/2023 positively. The Complainant to file rejoinder by 24/03/2023. The case was listed for admission hearing on 25/03/2023.
3. The Respondents failed to file reply by 17/03/2023 and prayed for some time to file the same since the same being under approval process. Prayer granted. The Respondent Board was directed to file their reply by 17/04/2023 positively. and the Complainant was to file rejoinder on a before 27/04/2023. The case was listed for hearing on 28/04/2023.
4. However, the case hearing listed for 28/04/23 was re-scheduled for 06/05/2023 vide order dt.12/04/2023. The Respondents failed to file their reply by 29/04/2023 and prayed for some time to file their reply. Prayer granted. The Respondents were directed to file their reply on or before 20/05/2023 along with the additional information sought previously vide Interim Order dated 25/03/2023 and 12/04/2023. The complainant was to file rejoinder by 25/05/2023. The case was listed for hearing on 27/05/2023.
5. The Respondents again failed to file their reply by 20/05/2023 and prayed for some time to file their reply. The Respondents have not filed their reply despite directions to do so vide



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Interim Orders dated 03/03/2023, 25/03/2023 and 06/05/2023. Prayer granted subject to the condition that they would file their reply by 02/06/2023 positively **duly supported by attested affidavit** failing which the case shall be decided on merits of the case based on the documents available on record.

6. The case was listed for hearing on 03/06/2023. The Respondents again failed to file their reply by 02/06/2023 and prayed for some time to file their reply. The Respondents have not filed their reply despite directions to do so vide Interim Orders dated 03/03/2023, 25/03/2023, 06/05/2023 and 27/05/2023. Prayer granted subject to the condition that they would file their reply within two weeks positively **duly supported by attested affidavit** failing which the case would be decided on merits of the case based on the documents available on record.
7. The respondent Board filed their reply on 17/06/2023. Subsequently, the complainant was directed to submit rejoinder by 20/07/2023. Further, the Complainant was also directed to clear all the outstanding payments of energy bills due towards Respondent Board on or before the date of hearing.
8. The case was listed for hearing on 04/07/2023. No body appeared from the complainant side. The complainant was directed to show his presence in the court on the next date of hearing or otherwise, the case would be decided ex parte on merit, based upon the record available.
9. Respondent Board had filed their reply on 17/06/2023. Subsequently, the complainant was directed to submit rejoinder by 20/07/2023. Further, the Complainant was also directed to clear all the outstanding payments of energy bills due towards Respondent Board on or before the date of hearing.
10. The case was listed for hearing on 27/07/2023 thereafter. Counsel for complainant attended the court and expressed their inability on account of certain circumstances to attend the court in the early hearings and sought further time for submission of rejoinder. This court allowed the submission and as a last opportunity, the complainant was directed to submit the



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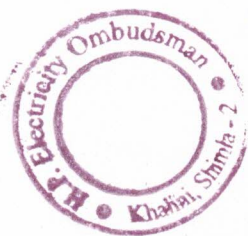
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rejoinder by 03/08/2023 without any further delay. The Complainant was also directed to clear all the outstanding payments of energy bills due towards Respondent Board on or before the date of hearing.

11. The case was listed for hearing on 03/08/2023. Counsel for complainant attended the court and submitted the rejoinder. Counsel for Respondent Board preferred arguments and with the mutual consensus of both the parties, this court allowed arguments in the said case. Both the parties advanced their detailed Arguments/Deliberations in the case. The arguments were heard and concluded. **Orders reserved** on dt.03/08/2023. Hence delay.

A-BRIEF FACTS OF THE CASE:

1. Sh. Sunil Kumar Thakur, S/o Sh. Jagdish Thakur, r/o Village Shangti, PO Summerhill, District Shimla HP-171005 have filed an application under provisions of Regulation 28 of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 against the orders passed by the Additional Consumer Grievance Redressal Forum at Shimla in Complaint No. 1302/4/22/03, dated 30/01/2023.
2. The Complainant have also filed an application under the provisions of Regulation 36 of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 wherein he has stated that after dismissal of his Complaint on 30/01/2023 due to his non-appearance, the respondents, without any fresh notice have disconnected supply to 21 electricity meters of his premises where around 15 families reside. He has prayed that during the pendency of his Complaint, the electricity supply to said meters may be continued in the interest of justice and fair play which have been disconnected on 24/02/2023.



P. P. Khajuri



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3. This Appellate Forum was convinced that without giving any fresh notice after dismissal of his Complaint by Additional Consumer Grievance Redressal Forum at Shimla on non-appearance of the Complainant, the disconnections done by Respondent No. 4 on 24/02/2023 had been done without following the proper procedure as per provisions of Himachal Pradesh Electricity Supply Code 2009. Therefore, vide powers vested in undersigned under provisions of Regulations 36 read with Regulation 33 (2) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, prayer of the Complainant is granted.
4. The Respondents were directed to immediately restore the electricity connections to the above premises and further report compliance duly supported by attested affidavit on or before 04/03/2023 positively failing which the action as per provisions under Regulation 37 (6) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 for appropriate action by the Commission under the provisions of the Electricity Act, 2003 would be initiated.

B – The Complainant's submission:

BRIEF FACTS OF THE CASE:

1. Complainant submits Representation under section 28 of the HPERC Regulation, 2013 to the effect that a complaint of the complainant was dismissed in default for non-appearance of Applicant/complainant on dated 30/01/2023
2. Complainant submits that the present applicant has filed a complaint vide complaint no. 1302/04/22/03 under section 17 of Himachal Pradesh Electricity Regulatory Commission Regulation, 2013 against the irregularity of the H.P. state electricity board while applying sundry charges/overdue charge on 21 electricity meters of complainant/applicant.

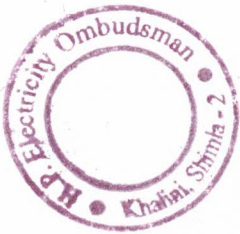


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3. Complainant submits that during the pendency of complaint, it was apparent on the record that the respondents i.e. electricity board had wrongly applied sundry charges on 21 electricity meters of the present applicant.
4. Complainant submits that the complainant/applicant was present on every date of hearing before this Ld. Redressal Forum. But on the last date of hearing dated 30/01/2023 applicant and his counsel were failed to put their appearance before the Ld. Forum due to the reason that the applicant had noted a wrong date of hearing instead of 30/01/2023.
5. Complainant submits that the respondent electricity department had wrongfully applied the sundry charges on the 21 electricity meters connection of the applicant. The applicant had never made a default in the payment of electricity bills. It is pertinent to mention here that the applicant had his own separate share in the property and two buildings names as Jagdish Bhawan are entered in the name of present applicant in the revenue records also.
6. Complainant submits that the applicant had every possible case in the favour and the non- appearance of the applicant on dated 30/01/2023 is neither intentional nor deliberately but due to above said bonafide reason. Till 30/01/2023 applicant was the owner of Jagdish Bhawan, which is situated at the address as mentioned above. The above building is run by the present complainant/applicant since 2018. Hence the present complainant/ applicant is entitled to the file and maintain the present complaint.
7. Complainant submits that the present application may kindly be allowed and to set aside the order dated 30/01/2023 of dismissal in default and dismissal of complaint on merits, in the interest of justice and fare play and any other order which deems appropriate in the present matter may also be passed and the applicant be given opportunity to complain his grievance afresh.



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8. Complainant submits that an Application under section 36 of HP Electricity Regulatory Commission Regulation, 2013 for interim Orders was also filed.
9. Complainant submits that the applicant had filed a Complaint Vide No. 1302/4/22/03 of 2023 before Additional Consumer Forum, Kasumpti, Shimla HP Which was dismissed on dated 30/01/2023 due to non appearance of the present applicant.
10. Complainant submits that the applicant filed a representation before this Ld. Authority under section 28 (1) (b) against the order 30/01/2023 passed by the Additional Consumer Forum, Kasumpti, Shimla HP.
11. Complainant submits that the concerned Electricity Department had cut the Electricity Supply on dated 24/02/2023 without giving prior notice to the present applicant and 21 electricity Meters of the applicant had been cut. It is pertinent to mention here that the electricity supply of 21 electricity meters was cut by the concerned department within 30 days of the order passed by the Assistant Consumer Forum, Kasumpti, Shimla HP which was not in accordance with the provision of the law.
12. Complainant submits that the building of which electricity connections had been cut had an occupation of approximately 15 families along with their minor children.
13. Complainant submits that the balance of convenience lies in favour of the applicant and the applicant had good arguable prima facie case in his favour. The applicant would suffer a huge loss if interim directions are not issued.
14. Complainant submits prayer that during the pendency of the main representation/ case, the electricity supply of the electricity meters owned by the applicant may kindly be continued in the interest of justice and far play. Any other which deems appropriate may also be passed in favour of the applicant.



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C – The Respondent's submission

1. Respondent Submits reply under Regulation 28 (1) (b) of the Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013.

Preliminary submissions:

2. Respondent Submits that the complainant has no cause of action and locus stand to file and maintain the instant complaint against the respondent in much as there is no such legal and enforceable contract which has been executed between the complainant and respondents as such the same is liable to be dismissed. It is submitted that the energy meters in question are in the name of Sh. Chuni Lal and on the default of the payment of the statutory dues, respondents have disconnected the electricity after observing all codal formalities required for the purpose. It is submitted that there was outstanding against the 14 No. meters, detail of which is given under:

SR NO	CONSUMER ID	NAME	SOP	ED	MTAX	TOTAL
1	100001114931	SH CHUNI LAL VERMA .	3,752	103	37	3,892
2	100001114934	SH CHUNI LAL	2,877	15	13	2,905
3	100001114942	SH. CHUNI LAL VERMA .	8,856	299	0	9,155
4	100001114945	SH CHUNI LA VERMA .	4,166	123	49	4,338
5	100001114948	SH CHUNI LAL VERMA .	5,878	115	104	6,097
6	100001114953	SH. CHUNI LAL VERMA .	3,282	0	0	3,282



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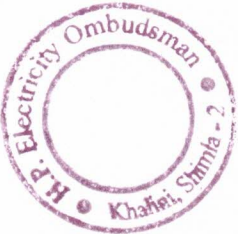


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7	100001114956	SH CHUNI LAL VERMA .	3,941	67	53	4,061
8	100001114958	SH CHUNI LAL VERMA .	2,501	0	0	2,501
9	100001114960	SH CHUNI LAL VERMA .	8,483	258	90	8,831
10	100001114975	SH CHUNI LAL VERMA .	12,070	397	0	12,467
11	100001114978	SH CHUNI LAL VERMA .	6,442	184	147	6,773
12	100001114981	SH CHUNI LAL	1,676	33	0	1,709
13	100001126440	SH CHUNI LAL VERMA .	3,845	30	0	3,875
14	100001132607	SH. CHUNI LAL THAKUR .	1,091	85	79	1,255
		TOTAL	68,860	1,709	572	71,141

A copy of the detail is annexed here to as annexure **R-1**.

- Respondent Submits that respondent had served a notice dated 25.08.2022 for depositing outstanding amount **Rs 79074** within **15 days** . But the said outstanding amount was not deposited by the consumers, thereby restraining the respondents to take further action is the matter for the recovery of the outstanding amount which is statutory one.
- Respondent Submits** that after effecting the permanent disconnection of the 14 meters, total outstanding amount stands Rs. 71,141/- upto August, 2022 and respondents, while acting as per mandate of law, debited the above amount in the existing 30 electricity meters, which are currently in the name of the Sh. Chuni Lal in equal proportion and thus amount Rs 2372/- each was debited against the 11 consumer IDs, for 19 Consumer IDs, Rs 2371 each was debited, details of which are as under:

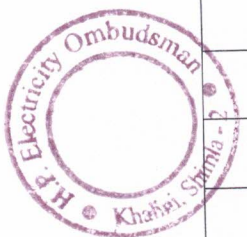


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SR NO	CONSUMER ID	NAME	OUT STANDING
1	100001114969	SH CHUNI LAL VERMA	2372
2	100001114987	SH CHUNI LAL VERMA	2372
3	100001114962	SH CHUNI LAL VERMA	2372
4	100001114937	SH CHUNI LAL VERMA	2372
5	100001114967	SH CHUNI LAL VERMA	2372
6	100001134183	SH CHUNI LAL VERMA	2372
7	100001126460	SH CHUNI LAL VERMA	2372
8	100001114993	SH CHUNI LAL VERMA	2372
9	100001127128	SH CHUNI LAL VERMA	2372
10	100001114928	SH CHUNI LAL VERMA	2372
11	100001115607	SH CHUNI LAL VERMA	2372
12	100001114990	SH CHUNI LAL VERMA	2371
13	100001114972	SH CHUNI LAL VERMA	2371
14	100001115613	SH CHUNI LAL VERMA	2371
15	100001127125	SH CHUNI LAL VERMA	2371
16	100001134187	SH CHUNI LAL VERMA	2371
17	100001128550	SH CHUNI LAL VERMA	2371
18	100001114984	SH CHUNI LAL VERMA	2371
19	100001131294	SH CHUNI LAL VERMA	2371
20	100001127122	SH CHUNI LAL VERMA	2371
21	100001115610	SH CHUNI LAL VERMA	2371
22	100001115601	SH CHUNI LAL VERMA	2371
23	100001131902	SH CHUNI LAL VERMA	2371
24	100001114998	SH CHUNI LAL VERMA	2371
25	100001114964	SH CHUNI LAL VERMA	2371



P. K. Sharma



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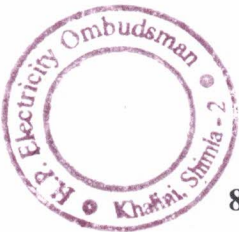
26	100001128547	SH CHUNI LAL VERMA	2371
27	100001134186	SH CHUNI LAL VERMA	2371
28	100002176697	SH CHUNI LAL VERMA	2371
29	100001115616	SH CHUNI LAL VERMA	2371
30	100001115604	SH CHUNI LAL VERMA	2371
		TOTAL AMOUNT	71141

The above detail was placed on record as annexure **R-2**. The aforesaid sundry amount against the 30 consumer IDs were debited as sundry amount in the monthly energy bill for the month of December, 2022.

5. Respondent Submits that after the aforesaid amount was debited in the monthly bill of December, 2022, respondents had received payment of **Rs 21344/-** against the 9 consumer IDs
6. Respondent Submits that the complainant is liable to make the remaining outstanding amount otherwise, respondents would be constrained to take coercive action for the disconnection of the electricity supply to the premise in question at the risk and cost of the complainant.

Reply on merits:

7. Respondent Submits that the contents of the para no 1 of the complaint in so far as pertains to the filing a complaint before the 1d Additional Consumer Greivance Redressal Forum (ACGRF) are concerned same are not denied, however it is specifically denied that replying respondents have committed any irregularities by debiting the outstanding amount in the various electricity connections which were in the name of the defaulting consumer.
8. Respondent Submits that detailed reply was already submitted in the 1d ACGRF, same may be read as part and parcel in reply to the instant representation.



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9. Respondent Submits that the contents of the para no. 2 of the complaint are wrong and denied. It is specifically denied that respondents have wrongly debited the sundary in the other accounts of the consumer. **It is submitted that as per instruction No 38.2 which pertain to "Recovery of defaulting amount" it is crystal clear provided under clause 38.2.4. replying respondent/HPSEBL has right to recover the outstanding amount of the one connection from the other connections installed in the name of defaulting consumer. As such the action of the respondent whereby outstanding of the electricity connection shifted to others connections is perfectly legal and valid hence, the complainant is liable to make the payment, failing which respondents will have no option but to disconnect the existing electricity connections in the premises.**
10. Respondent Submits that the contents of this para are misleading hence not admitted. It is submitted that complainant was very well aware of the date of hearing of the matter before the Id ACGRF, but they chose not to put their presence when the matter was listed, hence the Id ACGRF has passed the order impugned herein on the basis of the record.
11. Respondent Submits that the contents of this para are wrong and incorrect hence denied. It is submitted that all electricity connections installed in the premises are in the name of Sh. Chuni Lal hence, if default stands committed, then respondents are well within their right to adopt recourse for recovery of outstanding amount which is statutory in nature.
12. Respondent Submits that the contents of this para are wrong and incorrect hence denied.
13. Respondent Submits and, most respectfully prayed that the complaint/representation filed by the complainant being meritless may very kindly be dismissed and the complainant be directed to pay the outstanding dues of the electricity along with applicable surcharge.



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D-The Complainant's Additional Submission through Rejoinder:

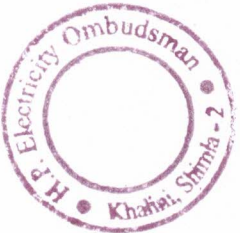
1. The complainant while submitting the rejoinder has erred in main heading and erroneously mentioned "BEFORE THE LD. CONSUMER GRIEVANCES REDRESSAL FORUM, KASUMPTI, SHIMLA-9" in place of "OMBUDSMAN". However, this court considers it as an error apparent to the record and accepts it as it is.
2. Complainant submits Rejoinder to the reply filed by the respondent under section 28 (1) (B) of the H.P.E.R.C.R 2013.

Rejoinder to the preliminary Submissions:

3. Complainant submits in rejoinder to the preliminary submissions from para 1 to 5 that it is specifically submitted before the Ld. Presiding officer that the sundry charges on 21 electricity meters of the complainant, were applied before issuing mandatory notice. No such notice of dated 25-08-2022 was served on the complainant as alleged by the respondents. The complainant is law abiding citizen and never made default in the payment of electricity meter bill charges. The respondents have not complied with mandatory requirement of law as to serve mandatory notice before applying sundry charges. Moreover, the complainant has his own share in the property and two buildings named as Jagdish Bhawan are entered in the name of present complainant in the revenue records also. The contents of complaint made in ACGRF may be read as part and parcel of the present complaint.

Para wise rejoinder:

4. Complainant submits that the contents of para no.1 of the reply are denied. The original para of complaint are reasserted and reaffirmed.
5. Complainant submits that the contents of para no.2 of the reply are denied. The original para of complaint are reasserted and reaffirmed.
6. Complainant submits that the contents of para no.3 of the reply are denied. The original para of complaint are reasserted and reaffirmed.



Purshah



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7. Complainant submits that the contents of para no.4 of the reply are denied. The original para of complaint are reasserted and reaffirmed.
8. Complainant submits that the contents of para no.5 of the reply are denied. The original para of complaint are reasserted and reaffirmed.
9. Complainant submits that it is therefore, in view of the present complaint, rejoinder and submissions made before the Ld. ACGRF, the representation filed by the present complainant may kindly be allowed and the respondents are directed to quash and set aside the sundry charges levied by respondent and to reimburse the same in favour of the complainant/applicant.

E- Additional Consumers Grievance Redressal Forum, ORDER:

The case Sh. Sunil Kumar Thakur S/o Sh. Jagdish thakur Village shanti, P.O Summerhill Distt. Shimla (H.P) 171005 V/S HPSEBL & Others. was registered with Additional Consumers Grievance Redressal Forum on dt.27/12/2022 as complaint No. 1302/4/22/03 and listed on dated 05/01/2023, 17/01/2023 & Final Hearing on dated 30/01/2023. The present complaint came up for final hearing, on dated 30/01/2023 at 11.30 A.M, but the complaint Sh. Sunil Kumar Thakur S/O Sh. Jagdish Thakur Village Sangti, P.O Summer hill Distt Shimla (H.P) 171005 and his counsel did not appear in the hearing. The respondent had submitted his reply before the forum and the Complainant on dated 17/01/2023. The Respondent further reported that no money had been deposited so far by the Complainant as demanded. Accordingly, the complaint was dismissed and the complainant was directed to deposit the disputed amount.

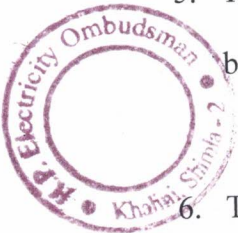


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F – Analysis of the Complaint:

1. The case file from Additional Consumer Grievance Redressal Forum at Kasumpti (Shimla Circle) in Complaint No. 1302/4/22/03, dated 27/12/2022 have also been requisitioned and gone through.
2. The documents on record and arguments advanced by both the parties have also been gone through.
3. For the sake of clarity and for having overall view of the case on submissions by both the parties, the same have also been incorporated as such in this order.
4. Based upon the documents attached and deliberations made by both complainant and respondent board, it is inferred that the complainant in the said case is one of the legal heirs having share of some part of the property out of the total property and the remaining part of the property seems to be in the name of second legal heir. But as per the respondent's submission that all connections in question still fall in the name of Sh. Chuni Lal ji who as per the deliberations made in this court by the Ld. Counsel for complainant, is no more and the property stands apportioned among the respective legal heirs.
5. The respondent in the reply also mentioned that no such legal and enforceable contract had been executed between the Complainant and Respondent Board.
6. The respondent served notice dt. 25.08.2022 for depositing amount of Rs.79074/- and after effecting the notice, again Rs.71141/- stood as outstanding and the same was debited in the existing 30 No. meters in equal proportion as all the meters fall in the name of Sh. Chuni Lal



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- ji. This sundry amount debited in the monthly energy bills for the month of December, 2022 against 30 consumer IDs. From the submissions of respondent, this court is of the considerate view that 30 no. IDs as mentioned includes the IDs which are being used by the complainant also.
7. The respondent board received payment of Rs. 21344/- against the 9 consumer IDs out of 30 consumer IDs.

F – Issues in Hand:

1. Issue No.1:

Whether legal heirs can be treated as consumers irrespective of the fact that the connection lies in the name of other consumer who in real sense stands as consumer in the books of respondent board for all intents and purposes i.e. for issuance of notice extra ?

2. Issue No.2:

Whether the “Change in Name” provisions were exercised by the complainant (both the legal heirs) immediately after the demise of Sh. Chuni Lal ji in the said period ?

3. Issue No.3 :

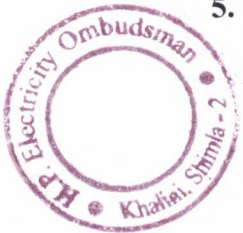
Whether the complainant / legal heirs gave any intimation to the respondent board immediately after the demise of sh. Chuni Lal ji ?

4. Issue No.4:

Whether no such notice of dated 25-08-2022 was served on the complainant as alleged?

5. Issue No.5:

Whether the apportionment of sundry charges was made wrongfully?





H – Findings on the issues:

Issue No.1,2,3 :

In consonance with the relevant extract of provisions 1.2.13 of the Himachal Pradesh Electricity Supply Code, 2009 “**Consumer**” means any person who is supplied with electricity for his own use by a licensee or by the Government or by any other person engaged in the business of supplying electricity to the public under the Act or any other law for the time being in force----- and shall also include © “ in case of death of a consumer, his legal heirs or representatives;”

Ref to the above relevant extract, this court deduces following misconceptions:

1. that in the instant case, the legal heirs after the demise of Sh. Chuni Lal ji, did not inform the respondent board immediately and also apparent to the deliberations in this court no such record was produced by the respondent board as well as complainant to establish whether the intimation immediately after the demise was given to the concerned department i.e. respondent board or not .
2. that since the counsel for complainant during the course of arguments mentioned categorically that the property of Sh. Chuni Lal ji was apportioned between two persons, further established that two no. legal heirs exist who are the owners of the part of the property of their respective shares. In the absence of codal formalities, this court fetches a vague impression as to who is to be considered consumer against which IDs out of the total consumer IDs in the instant case.
3. Apparent to the record , respective owners did not exercise the provisions of instruction No. 20 of Sales manual part 1 on the issue of “Change of Name/ Title” in respect of the consumer IDs falling in their respective share of property immediately after the death of Sh. Chuni Lal ji as such the name of Sh. Chuni Lal ji still stands in the account books of respondent board



Signature



HIMACHAL PRADESH ELECTRICITY OMBUDSMAN
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and this court understands that this procedural gap during the period of dispute resulted into litigation .

4. Above findings of this court on the issue no.1,2,3 clears without any doubt that Late Sh. Chuni Lal ji still persists as consumer in the accounts of respondent board for the said period as per the documents/ reply submitted by the respondent Board and the contractual obligation is still operative and no such agreement with respondent board exists with either of the owners and in the absence of any written intimation to the respondent board's concerned office, Sh. Chuni Lal ji is being considered alive in the books of respondent board's concerned office and under the ambit of contractual bindings which are operative , the action of the respondent board for the said period is legitimate.

Issue No.4:

This court extracts from the deliberations / arguments that the notice dt.25.08.2022 was given by the respondent board to Sh. Joginder Thakur not to Sh. Sunil Thakur . But since both were not being considered as designated consumers in the absence of codal formalities of "Change in Name" resulting non clarity of the apportionment of IDs in their respective share of properties and further all the IDs falling still in the name of Sh. Chuni Lal ji , this court infers that without any prejudice, the respondent board issued notice to all the default IDs falling in the name of Sh. Chuni Lal ji , addressed to one of the owners irrespective of which was falling under the preview of whom and left for apportionment of amount at their ends by the respective owners who were well conversant about the status of their property as well as the IDs falling in their respective shares. It is also clear from the 21 No. notices dt.20.12.2022 served thereafter against 21 Nos. consumer IDs. all in the names of Sh. Chuni Lal ji and addressed to Sh. Chuni Lal ji, confirms that the intention of the respondent board is clear and this court understands that it is due to doubt as to who could be the owner of which ID, the notice dt.25.08.2022 was addressed to one of the owners with the contents in the name of only Sh. Chuni Lal ji and left at their ends to apportion the amount judiciously.



Chuni Lal

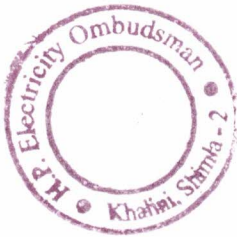


Issue No.5:

Under the ambit of instruction No. 38.2 read with 38.2.4 of Manual of Instructions Part-1 , under the heading “Recovery of Defaulting Amount” it is quite clear that in case of default in payment , the concerned Licensee can apportion the amount to all other IDs of the consumer falling in the same name irrespective of place of connections . After assessing the scope of these provisions, this court is of the firm view that in the instant matter also the apportionment of sundry charges against all the IDs falling in the name of Sh. Chuni Lal ji is convincing one, hence apportionment of sundry. This court also appreciates the compliance of all concerned one whosoever they may be , on disbursement of Rs. 21344/- against 9 consumer IDs as a good and law abiding citizen and honoring public money.

I – Order:

1. The order passed by the Additional Consumer Grievance Redressal Forum at Kasumpti in Complaint No. 1302/4/22/03 dated 30/01/2023 is upheld to the extent that the Complainant ensures compliance to deposit all the balance outstanding dues thereof.
2. The demand raised by the Respondent Board through 21 No. notices dt. 20/12/22 regarding non payment of energy bills/sundry charges , all in the name of Sh. Chuni Lal ji against remaining 21 No. IDs is also sustained.
3. The complainant is directed to pay all outstanding amount against above mentioned 21 No. IDs in the name of Sh. Chuni Lal ji including surcharge if any thereof as per prevalent provisions within fifteen days excluding holidays from the date of issue of this order to avoid any coercive action .
4. The respondent board is directed not to initiate any action in line with the provisions till the expiry of the above period.



Pushpal

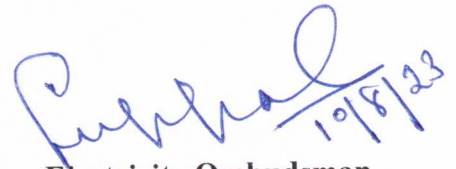


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5. Under the power drawn from the provisions of Regulation 37 (3)(d) (e) of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, the complainant along with other share holder of the property of Sh. Chuni Lal ji apportioned to Individual , are further directed to initiate "Change in Name / Title" as per instruction No.20 of the sales manual Part-1 in their names in consonance with the respective shares to avoid any litigation of this kind in future thereof.
6. The Complaint filed by Sh. Sunil Kumar Thakur, S/o Sh. Jagdish Thakur, r/o Village Shangti, PO Summerhill, District Shimla HP-171005 is hereby disposed off.



Given under my hand and seal of this office.


Electricity Ombudsman