



In the matter of:

Complaint No. 31/2025

**M/s Pooja Cotspin Pvt. Ltd. Village Sallewal, Tehsil Nalagarh, Distt. Solan, H.P.-
174101**

– Complainant

Vs

- 1. Executive Director (Personal), HPSEB Ltd, Vidyut Bhawan, Shimla-171004.**
 - 2. Sr. Executive Engineer, Electrical Division, HPSEBL, Nalagarh-174101.**
 - 3. The Assistant Engineer (E), Elect. Sub-Divin. -No. I, HPSEBL, Nalagarh--
174101**
- Respondents**

Complainant No. 31/25 (Registered on 01/09/2025)

(Disposed on 04/09/2025, Final Order Issued on 04/09/2025)

Present for:

The Complainant: -Sh.Tawarsu , Advocate

The Respondents: - Sh. Rajesh Kashyap, Advocate

QUORUM

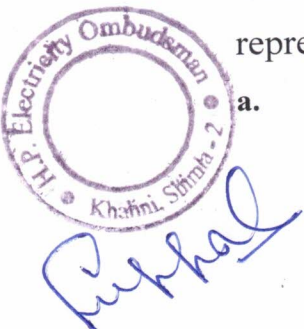
Er. Deepak Uppal

HP Electricity Ombudsman

Order

- 1. M/s Pooja Cotspin Pvt. Ltd. have filed an Application under Regulation 28(1)(a), of Himachal Pradesh Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 against the Complaint No. 1431/202507/20 which as per the record was received by the Consumer Grievances Redressal Forum on dt.14.08.2025. The said representation specifically contends as under:**

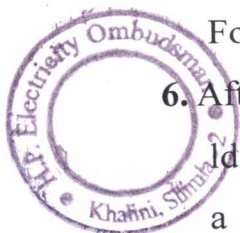
- a.** That the grievance was originally filed before the Consumer Grievances Redressal Forum (CGRF) on 10.07.2025 and was received by the Forum on 14.07.2025 as per postal records.





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- b. That the Forum held hearings on 22.07.2025 and 20.08.2025 but the Respondents failed to file their reply until 21.08.2025. The matter was fixed for final hearing on 03.09.2025, beyond the statutory period of 45 days which expired on 28.08.2025.
 - c. That they have filed an Application for Withdrawal/ Discontinuation of Proceedings in the Grievance. (**Annexed at page-44 of representation**)
 - d. That the subject matter is not pending before any such authority/court/arbitrator (**ref. Declaration at page 4 of the representation**).
2. The said representation was received and registered on dt. 01.09.2025. Subsequently, a notice dt. 01.09.2025 was served upon the Complainant to attend admission hearing with directions to appear in person or through an authorized representative or through an advocate duly appointed for the purpose, on dt. 04/09/2025 at 12P.M., with further directions that in default of appearance on the said date and time fixed, the case shall be proceeded ex-party.
3. The matter was heard for admissions on dt. 04/09/2025. The Id. Counsel for Complainant read out his above contentions and apprised the court regarding the proceedings took place before the Forum on dt. 03.09.2025 and further confirmed that the next hearing had been fixed by the Forum on 04.09.2025 at 3P.M.
4. The Id. Counsel for Respondents also confirmed regarding the proceedings still running before the Forum at Kasumpti and apprised that the Application for withdrawal/discontinuation of proceedings in the grievance had been rejected by the Id. CGRF during the hearing on dt. 03.09.2025.
5. The Id. Counsel for Respondents also apprised that the said orders dt.20.08.2025 and dt. 03.09.2025 of Id. CGRF stand uploaded at site. Accordingly, the same were downloaded & taken on record and discussed during proceedings before this court. It was observed transparently from the said order dt. 03.09.2025 of the Id. CGRF, that the proceedings were still pending adjudications before the Forum.
6. After visualizing the above factual states of the case in terms of said orders, the Id. counsel for Complainant & Id. counsel for Respondents were asked to make a glance on the Regulation 33(1)(c), i.e **“Pre-conditions/limitations for Entertaining Complainant’s Representation”** which was read in the court



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room and the relevant extract is also reiterated as under for the sake of reference and record:

“33. Pre-conditions/limitations for Entertaining Complainant’s Representation: -

(1) The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied that: -

(c) the representation by the complainant, in respect of the same grievance, is not pending in proceedings before any court, tribunal or arbitrator or any other authority or decree or award or final order has not been passed by any such court, tribunal, arbitrator or authority;

7. The recent order dt. 03.09.2025 of Id. CGRF, confirms that the hearing was conducted on 03.09.2025 and further fixed on dt.04.09.2025 at 3 P.M. Also, the Application for withdrawal/discontinuance of proceedings in the grievance stands rejected. The relevant extract of order dt. 03.09.2025 needs to be reiterated for the sake of immediate record and reference as under:

“In terms of last Order passed by the Forum on 20.08.2025, matter was listed today for final hearing however, today an Application has been received by speed post from the Complainant/ Applicant for withdrawal/discontinuance of proceedings in the grievance on grounds that the Complainant has approached the Ld. Ombudsman. Forum from perusal of this Application finds that it is not a simplicitor Application for unconditional withdrawal of the Complainant as it also requests for discontinuation of proceeding in grievance on grounds that it has approached the Ld. Ombudsman.

*In the matter, parties confirm that Notice has been issued to parties on 02.09.2025 from office of Ld. Ombudsman and the Representation is listed for 04.09.2025 before the Ld. Ombudsman. **Parties further confirm that no Order has been passed till date by the Ld. Ombudsman.** On aforesaid terms Application is rejected.*

*On the request of Respondent, the name of Executive Director (Pers.) is deleted as Respondent being a non-necessary party. The complaint listed today for final hearing could not be argued by the parties due to absence of the Authorized Representative for which no prior intimation to this effect has been conveyed to the Forum by the Complainant despite knowledge. Last opportunity is afforded to parties to argue the matter on 04.09.2025. In the event any party fails to appear, the complaint shall be proceeded ex-parte. **List for final hearing/ arguments on 04.09.2025 at 3pm”***

8. After listening to the Id. counsels for both the parties & in terms of foregoing findings, it has been observed:



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- a. that the matter is still under process of adjudication before the Id. CGRF and further stands fixed for final arguments on 04.09.2025 at 3.P.M.
- b. that the Application for withdrawal/discontinuation stands rejected by the Id. CGRF vide order dt. 03.09.2025 as such in accordance with Regulation 33(1)(c), the instant representation does not qualify the mandate of **“Pre-conditions/limitations for Entertaining Complainant’s Representation”**, accordingly, the same cannot run concurrently before two authorities.
- c. That the declaration of the Complainant at page-4 of representation under the heading **“12. Declaration (d)”** is false & misleading the court under the present circumstances when the matter is pending adjudication before the Forum, which is not appreciable and the very specific extract is recapitulated for record as under:
- “12. Declaration (d)-----That the subject matter is not pending before any such authority/court/arbitrator.”*
- d. The Id. Counsel Sh. Manik Sethi sought adjournment vide application dt.04.09.2025 sent through Id. Counsel to attend the matters. But in view of intricacy, being running the case simultaneously in the Forum and listed for final arguments today on 04.09.2025 at 3.P.M. before the Forum, the same could not have been run concurrently before the two authorities and attracted the provisions 33(1)(c) as reiterated above, put under constraints to issue the orders. However, Id. counsel for Complainant during admission hearing appreciably referred and read out all concerned documents as well as orders issued by the Id. CGRF and discussed as above. Accordingly, the application was disposed of with liberty to the Complainant to file afresh in line with the order of Id. CGRF, to be issued, if impugned.



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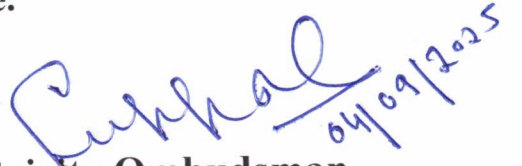
9. As this authority has not passed any order as yet, the Complaint filed by **M/s Pooja Cotspin Pvt. Ltd.** Village Sallewl, Tehsil Nalagarh, Distt. Solan, H.P.-174101 is hereby disposed as dismissed and in due cognizance to the '**Hierarchy of Adjudication system**' with further directions to **Id. CGRF** to first decide the matter and liberty to the Complainant to file afresh representation in line with the order to be passed by the **Id. CGRF**, if impugned.
10. The case file is consigned to record room and order is also placed at site as well as conveyed telephonically for the convenience of reference.

Given under my hand and seal of this office.



Dt. 04.09.2025

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Electricity Ombudsman