

ORDER

On the last date of hearing, Respondent HPSEBL had placed on record the civil writ petition CWP No. 2788 of 2022 filed before the Hon'ble High Court of Himachal Pradesh by Complainant M/s. Vardhman Ispat Udyog. The Respondent while citing sub-regulation 19(a) of the HPERC(Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 had emphatically stressed that the Forum cannot adjudicate on the same matter as a CWP referred above is pending adjudication before Hon'ble High Court on similar matter and limitations thereof.

On the last date of hearing, authorized Representative of Complainant had prayed to allow time to enable him to seek instructions from the Complainant in view of the ibid writ petition filed in the Hon'ble High Court.

Today, Authorized Representative of Complainant Sh. Rakesh Bansal is present, who has submitted that the Forum may issue suitable Orders in the matter. The Counsel for the HPSEBL consented.

The Forum has gone through the civil writ petition CWP 2788 of 2022 filed by the Complainant in the Hon'ble High Court of Himachal Pradesh. It is observed by the Forum that the ibid writ petition is also with regard to implications/working of Lower Voltage Supply Surcharge (LVSS) as provided in code 2.16 of HP Electricity Supply Code, 2009, 1st amendment, 2014 notified on 11.06.2014. This Forum further observes that the matter raised in the present complaint filed before us also has a similar basis with regard to implications/working of LVSS as provided in ibid code 2.16.

The Forum views seriously the fact that the Complainant has approached the Forum simultaneously in a matter with similar basis which is also subjudice before the Hon'ble High Court. The Complainant has not come before this Forum with clean hands and has suppressed material facts by not disclosing the factum of the CWP filed before the Hon'ble Court as referred above. Thus,

Forum is of the view that the complaint at this stage cannot be proceeded in view of provisions of Sub- Regulation 19(a) of HPERC Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013. The said regulation clearly states that Forum may reject a grievance at any stage under the circumstance, where proceedings in respect of same matter between the same Complainant and licensee are pending before any Court.

Therefore, in view of the express provisions of ibid Regulations, this Forum cannot hear the instant complaint especially given the fact of writ petition CWP 2788 of 2022 on the matter having been filed in the Hon'ble HP High Court, which is pending adjudication. This Forum, therefore, without going into the merits of the case, rejects the instant complaint as not being maintainable in pursuance to provisions of sub-regulation 19(a) of HPERC(Consumers Grievances Redressal Forum and Ombudsman) Regulations, 2013 ibid. Accordingly the Complaint is disposed of in aforesaid terms.

Announced before the parties present at Shimla today on 17.10.2022 in open Forum.

Parties are left to bear their own cost.

Certified copies of this Order be supplied to the parties.

The original case file be consigned to record room along with this Order, for safe custody.

Dated:-17.10.2022

Place:- Shimla

Sd/-
(Vikas Gupta)
Member

Sd/-
(Tushar Gupta)
Chairman

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-09
No. CGRF/Complaint No. . 3325/2/22/16

Complaint No.:- . 3325/2/22/16

Date of Admission:- 04.06.2022

Quorum:- Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member

In ref:-

M/s Vardhman Ispat Udyog,
Village Bathri, Tehsil Haroli, Near Tahliwal,
District Una (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division,
HPSEBL, Gagret, Distt. Una (HP).
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Tahliwala, Distt. Una (HP)

Respondents

Final hearing:-

17.10.2022

Present for:-

Complainant

1. Sh. Rakesh Bansal, Authorized Representative

Respondent

1. Sh. Anil God, Advocate

Date of Decision:-

17.10.2022

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.

No.CGRF/Complaint No. . 3325/2/22/16

Dated:-

M/s Vardhman Ispat Udyog,
Village Bathri, Tehsil Haroli, Near Tahliwal,
District Una (HP).

Complainant

V/s.

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Respondents

Complaint No. .3325/2/22/16

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division,
HPSEBL, Gagret, Distt. Una (HP).
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Tahliwala, Distt. Una (HP)

Respondents

The Certified copy of final order dated 17.10.2022, passed by the Hon'ble Forum in the aforesaid complaint is enclosed herewith for further necessary action at your end please.

DA:-As above.

Secretary,
Consumers Grievances Redressal Forum,
HPSEBL, Kasumpti Shimla-9.