

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.

No. CGRF/Complaint No. 1234/3/21/018

Dated:-

Complaint No.:- 1234/3/21/018
Date of Admission:- 06.09.2021
Quorum:- Er. M.G Sharma, Chairman.
Er. Vikas Gupta, Member.

Sh. Rakesh Kumar,
s/o Late Sh. Nanak Chand ,
R/o 3rd Floor, New Nanak Niwas,
Bharari, Shimla-171003.

Complainant

V/s.

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
City(E) Division, HPSEBL,
Shimla-1.
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Sanjauli, Shimla-6. (HP).

Respondents

Final hearing:-

28.10.2021

Present for:-

Complainant

1 Sh. Rakesh Kumar, Advocate

Respondent

1. Sh. Anil Kumar God, Advocate
2. Sh. Kamlesh Saklani Law officer

Date of Decision: -

15.11.2021

Order

1. Complainant is a consumer of electricity of HPSEBL. On dated 03.06.2019 Respondent HPSEBL has issued provisional order for Rs. 14,703/- for unauthorized use of electricity under section 126 of Electricity Act 2003.
2. This provisional assessment was made on the basis that the complainant has been found using domestic electricity connection for commercial use by running coaching academy (New Passion for Success) provisional Assessment order for Rs. 14,703/- was issued in respect of consumer ID No. 100001154441 whereas this consumer ID is for another premises.
3. That aggrieved by the illegal and unfounded provisional assessment order complainant/ applicant filed/ objections on dated 18.06.2019. The complainant also challenged the provisional assessment on various grounds which was enumerated in the appeal filed under section 127 of Electricity Act.2003 before the Ld. Court of Divisional Commissioner Shimla Division.
4. The final assessment order was passed by Respondent No 2 vide order No. ESS/CS-4/2019-20-63727 dated 26.07.2019.
5. Aggrieved by the modus operandi adopted by the respondent No2 Complainant/ applicant assailed the impugned order of final assessment dated 26.07.2019 before the Ld. Court of Divisional Commissioner Shimla Division (Exercising the power of Appellate Authority under Section 127 Electricity Act, 2003) which was decided on 30.12.2019. The copy of said impugned orders is placed on record of case file.

6. It has been observed by the Forum that the orders passed by the appellant authority i.e. Divisional commissioner, Shimla have been followed by the Respondent.
7. The complainant has approached this Hon'ble Forum for the refund Rs. 9342/- along with 16% compound interest.
8. The complainant & the Respondent have been heard at length on the basis of the record made available by both the parties.
9. The Forum is of the opinion there is no where fact established which shows the complainant has not made any unauthorized use of electricity supply. Moreover Regulation 19 of the CGRF & Ombudsman Regulation 2013 specifies that:-

Limitations/ pre-conditions for submission of grievance. - The Forum may reject the grievance at any stage under any or more of the following circumstances:-

(a) in cases where proceedings in respect of the same matter and between the same Complainant and the licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;

(b) in cases which fall under sections 126, 127, 135 to 139, 152, and 161 of the Act;

(c) in cases where the grievance has been submitted two years after the date on which the cause of action has arisen; and

(d) in the case of grievances which are –

(i) Frivolous, vexatious, malafide;

(ii) Without any sufficient cause; or

(iii) where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

10. Taking cognizance of CGRF and Ombudsman Regulation 19 a (b) of Regulation 2013, the Forum rejects the grievances put in forth by the complainant as the same falls beyond the jurisdiction of this Forum. However the complainant is at the liberty to approach the appropriate Forum for the Redressal of his grievance.

In the aforesaid terms, the case is dismissed as devoid of merits. The judgement reserved on dated 28.10.2021 released on dated 15.11.2021.

The file is consigned to the record room along with original copy of the order. The certified copy of order be kept in safe custody in the folder of orders. Certified copies of this order be supplied to both the parties.

Place: - Shimla

Dated: -15.11.2021

Sd/-

(Vikas Gupta)
(Member)

Sd/-

(M.G. Sharma)
Chairman

Notice

Registered
CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI SHIMLA-171009.
No. CGRF/Complaint No. 1234/3/21/018 **Dated:-**

Sh. Rakesh Kumar,
s/o Late Sh. Nanak Chand ,
R/o 3rd Floor, New Nanak Niwas,
Bharari, Shimla-171003.

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No. 1234/3/21/018

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
City(E) Division, HPSEBL,
Shimla-1.
3. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Sanjauli, Shimla-6. (HP).

Respondents

The Certified copy of final order dated 15.11.2021 passed by the Hon'ble Forum in the aforesaid complaint is enclosed find herewith for further necessary action at your end please. The compliance be reported/ intimated within one month after the receipt of order in the office.

DA:-As above.

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