

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-09
No. CGRF/Complaint No. RA.1423/4/21/033 Org.1423/4/20/038

Complaint No.: - RA.1423/4/21/033 Org.1423/4/20/038

Date of Admission: - 22.12.2021

Quorum: - Er. Tushar Gupta, Chairman

Er. Vikas Gupta, Member

In ref:- Sh. K.S Dhaulta, Member

HPSEBL & Others.

Applicants (Respondents)

V/s.

M/s Hotel Shivalik, Village Mando-Matkanda,
Post Office Dharmapur, Tehsil Kasauli,
District Solan (HP).

Non-applicant/Complainant

Final hearing:-

18.04.2022

Present for:-

Applicants (Respondents)

1. Sh. Anil Kumar God, Advocate

Non-applicant/Complainant

1. None.

Date of Decision: -

18.04.2022

ORDER

1. Briefly stated facts of the review application preferred by the Applicant Executive Director (Pers.) and another against the order dated 15.11.2021 passed by this Forum in complaint No.1423/4/20/038 mainly on the grounds that.
 - i) A direction to applicant to adjust the excess payment of Rs.79,638/- in the forth coming bills was given, ignoring the fact that instead refund to the complainant, the applicant/respondent is claiming payment of energy bills from complainant/respondent.
 - ii) The statements of accounts of consumer filed by the applicant/respondent were not considered in right perspective by this Forum, while passing the impugned order. The complainant is liable to pay the balance amount of Rs.2,33,974/- to the Respondent Board of the disputed amount of Rs.3,55,171/- with surcharge till October/2021 as per revised sheet Annexure RA-4.
2. The respondent/Complainant in its reply contested the review application and contended that the present application preferred under section 26(7) of CRGF, Regulations, 2013 read with order 47 rule 1 of the CPC, is not maintainable for lack of ingredients required under ibid law and rules, to seek review. On merits also the complainant submits that the impugned order of the Ld. Forum dated 15.11.2021, is a just and proper order based upon the pleadings and documents produced on record and need no interference. The Annexure RA-1 is also matter of record. The complainant/ Respondent has also cited case laws in support of his contentions on the matter.
3. The parties were heard today. We have gone through the record, order and pleadings of the parties. We have also examined the relevant Regulations, law and case law on the matter. It is apparent from record and order of this Forum dated 15.11.2021 that the order has been passed after affording due opportunities of hearing, appreciating the facts placed on record, Regulations etc. The order dated

15.11.2021 of this Forum is a just and proper order passed in facts and circumstances of the case.

4. We have also observed that there is no single iota of reference made in the review petition/pleadings raised in the grounds, to this effect that there is a discovery of new and important fact or matter of evidence: which could not be produced even after exercise of due diligence, or there is any mistake or error apparent on the face of the record or sufficient reasons for which review is required.
5. The Forum also finds that instant review application is drafted more in the nature of an appeal than review, as it only avers that facts have not been appreciated by this Forum. We find no plausible reasons to interfere with the order dated 15.11.2021 of this Forum which is a detailed and reasoned order passed after appreciating facts on record and regulations etc. on the matter, as is evident from the order itself. Thus, the order of Forum dated 15.11.2021 deserves to be upheld and instant review application is to be rejected, as the applicant/respondent failed to make out any case for review as per Regulations or law on the matter.
6. In view of the discussion and observations made here in-above, the present review application is found to be devoid of any substance and merits and accordingly dismissed. The order of this Forum dated 15.11.2021 is upheld in the facts and circumstances of the case.
7. The parties are left to bear their own costs.
8. Announced before the parties present on 18/04/2022 at Shimla.
9. The Case File be consigned to record room after due completion. A copy of the order be kept in safe custody of folder of orders. The certified copy of these orders be supplied to both the parties.

Dated:-18.04.2022

Place:- Shimla

Sd/-

(K.S.Dhaulta)
(Member)

Sd/-

(Vikas Gupta)
(Member)

Sd/-

(Tushar Gupta)
(Chairman)

Notice

Registered

CONSUMERS GRIEVANCES REDRESSAL FORUM AT KASUMPTI, SHIMLA-9.
No. CGRF/Complaint RA.1423/4/21/033 Org.1423/4/20/038 **Dated:-**

HPSEBL & Others.

Applicants (Respondents)

V/s.

M/s Hotel Shivalik, Village Mando-Matkanda,
Post Office Dharmapur, Tehsil Kasauli,
District Solan (HP).

Non-applicant/Complainant

RA.1423/4/21/033 Org.1423/4/20/038

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Assistant Executive Engineer,
Electrical Sub-Division HPSEBL,
Dharampur, Distt. Solan (HP).

Applicants (Respondents)

The Certified copy of final order dated 18.04.2022, 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.