



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Haryana Electricity Regulatory Commission

Bays No. 33 - 36, Sector - 4, Panchkula-134109

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(Regd. Post)

Appeal No. : 20/2018
Received on : 23.08.2018
Registered on : 24.08.2018
Date of Hearing : 30.08.2018
Date of Order : 31.08.2018

In the matter of:-

Appeal against the orders of CGRF, DHBVNL, Hisar, dated 09.04.2018, in case no. 2058 of 2018.

M/s Pashupati Spinning & Weaving Mills Ltd Village Kapriwas, Dharuhera, District Rewari, through its authorized representative Sh. Suresh Sharma.

Appellant / Complainant

Versus

DHBVNL

Respondents

Before:

Er. R.C. Mahajan, Electricity Ombudsman

Present on behalf of Appellant

Sh. Sahil Kahol, Advocate

Present on behalf of Respondents

Sh. Liyakat Ali, SDO/Op, City Sub Division, DHBVN, Dharuhera

ORDER

Sh. Suresh Sharma, C/o M/s Pashupati Spinning & Weaving Mills Ltd., Village Kapriwas, Dharuhera, District Rewari, has filed an appeal against the orders of CGRF, Hisar, dated 09.04.2018, in case no.2058 of 2018.

While submitting the grounds of appeal in the instant case, the Appellant, through an application for the condonation of delay, has stated that the limitation

period for filing the appeal had expired on 18.05.2018 and there is a delay of 72 days in filing the same. The Appellant requested for the condonation of delay in preferring the appeal as the designated person of the company, handling the case, had left the job and had not communicated to the law officer of the company regarding the impugned order before leaving.

The appeal was received on 23.08.2018 and the same was registered on 24.08.2018, as appeal no. 20 of 2018. Notice of motion was issued on 24.08.2018 and the date of hearing was fixed for 30.08.2018 to hear the matter on the issue of delay in filing the appeal.

The hearing was held on 30.08.2018, as scheduled. Both the parties were present. Ld. Counsel, Sh. Sahil Kahol appeared on behalf of the Appellant. The reply submitted by the Respondent SDO, during the hearing, was taken on record and a copy of the same was handed over to the Ld. Counsel for the Appellant.

The Ld. Counsel, appearing on behalf of the Appellant, reiterated the submission as made in the original appeal that the designated person of the company handling the case had left the job and had not communicated to the law officer of the company in this regard. He requested for the condonation of delay in filing the appeal. On query, he admitted that the CGRF orders were received well in time.

On this, the Respondent SDO submitted that the orders passed by the Forum were received in time. The firm is well aware of the rules and regulations as the representatives of the firm regularly visit his office to discuss various electricity issues and also discussed this issue. He stated that the plea taken by the Appellant for the condonation of delay is false. As such, the same may not be allowed. Moreover, the case has already been decided by the Forum on merits.

The representative of the Appellant was given an opportunity to say anything or submit any document to support his claim, but he stated that he has nothing further to add and requested to condone the delay.

After going through the documents, it is observed that the CGRF orders were issued on 09.04.2018 and the appeal was received in the Electricity Ombudsman's

office on 23.08.2018. As such, there is delay of about three and a half months in filing the appeal.

In view of the above, I am of the view, that the prayer of the Appellant to allow the appeal is not justified. Therefore, on the basis of the material available on record and the written/oral submissions made by both the parties, the appeal of the Appellant is dismissed on account of delay.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on this day of 31st August, 2018.

Dated: 31st August, 2018

sd/-
(R.C.Mahajan)
Electricity Ombudsman, Haryana

Endst. No. HERC/EO/Appeal No.20/2018/1564-71

Dated: - 31.08.2018

A copy of the above is forwarded to the following:

- 1. The Managing Director, DHBVNL, Vidyut Sadan, Vidyut Nagar, Hisar.**
- 2. The Legal Remembrancer, HVPNL, Shakti Bhawan, Sector-6, Panchkula.**
- 3. The Chief Engineer 'Op' DHBVNL, Vidyut Sadan, Vidyut Nagar, Hisar.**
- 4. The Chairman, Forum for Redressal of Consumer Grievances, DHBVNL, Room No. 149-150, D-Block, Ground Floor, Vidyut Sadan, Vidyut Nagar, Hisar-125005.**
- 5. The Superintending Engineer, 'Op' Circle, DHBVNL, Durga Colony, Rewari-123401, Haryana.**
- 6. The Executive Engineer/Op Division, DHBVNL, Dharuhera, Distt Rewari, Haryana.**
- 7. The SDO/Operation, City Sub Division, DHBVN, Dharuhera, Distt. Rewari, Haryana.**
- 8. Sh. Suresh Sharma C/o M/s Pashupati Spinning & Weaving Mills Ltd., 127-128, 1st Floor, Tribhuvan Complex, Ishwar Nagar, Mathura Road, New Delhi-110065.**