



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. : 26/2018
Received on : 19.11.2018
Registered on : 19.11.2018
Date of Hearing : 26.11.2018
Date of Order : 27.11.2018

In the matter of:-

Appeal against the orders of CGRF, DHBVNL, Hisar in case no. 2156 of 2018 dated 16.05.2018.

Sh. Shri Chand, S/o Sh. Mangtu Ram, VPO Barwas, Tehsil Loharu, Distt. Bhiwani.

Appellant / Complainant

Versus

DHBVNL

Respondents

Before:

Er. R.C. Mahajan, Electricity Ombudsman

Present on behalf of Appellant

Sh. Shri Chand So/ Sh. Mangtu Ram

Present on behalf of Respondents

Sh. Rakesh Kumar, SDO, Operation, Sub Division, DHBVN, Pilani Road, Loharu

ORDER

Sh. Shri Chand, S/o Sh. Mangtu Ram, Vill & Post Office Barwas, Tehsil Loharu, Distt. Bhiwani, has filed an appeal against the orders of the CGRF, Hisar, dated 16.5.2018, in case no. 2156. The submissions made in the appeal are as under:-

The Appellant, a resident of Village Barwas, Distt. Bhiwani, had purchased a tubewell from Sh. Shri Niwas on 18.07.1991. He submitted that he had applied for the change of name of the said connection on line to the SDO, Loharu. Thereafter, the matter was taken with the CM window and the case was rejected with the plea

that in the record name of Sh. Ram Niwas appears as Shri Niwas. After this, the Appellant took up the matter with the Consumer Forum, Hisar and the Forum disposed of the hearing as the complainant failed to prove the ownership. The Appellant stated that he had sought information through RTI. He further submitted that he fulfills all the requisite requirements of the DHBVN, as such the connection be transferred in his name.

A perusal of the documents, submitted by the Appellant, reveals that the appeal, against the CGRF orders dated 16.05.2018, has been filed on 19.11.2018 i.e. after a delay of more than five months. In the interest of justice, an opportunity of hearing was given to the Appellant to explain the reasons for delay in filing the appeal. Accordingly, the same was registered as appeal no. 26 of 2018. Notice of motion was issued on 20.11.2018 and the date of hearing was fixed for 26.11.2018, to hear the matter on the issue of condonation of delay in filing the appeal. The Appellant and the Respondent SDO were also informed through mail dated 20.11.2018 and telephonically, regarding the date of hearing.

The hearing was held on 26.11.2018, as scheduled. Both the parties were present. The reply submitted by the Respondent SDO, vide mail dated 23.11.2018, with a copy to the Appellant, was taken on record. Further, a copy of the subsequent reply given by the Respondent SDO, during the hearing, was handed over to the Appellant and the same was also taken on record.

During the hearing, the Appellant stated that the Forum's orders dated 16.05.2018, were received well in time, but the appeal could not be filed in time. He requested that the tubewell connection be got changed in the name of Shri Chand.

On this, the Respondent SDO reiterated the submissions as made in the reply. He stated that the appellant was well aware about the Rule and Regulations and he had filed a complaint before the CGRF and the Electricity Ombudsman as per HERC Regulations 37/2016, notified on 29.07.2016. The appeal filed by the Appellant before the Electricity Ombudsman is time barred. The decision of the CGRF dated 16.05.2018, was received by the parties well in time. Therefore, condonation of delay may not be allowed and requested to dismiss the appeal. He further stated that a civil suit, with similar cause of action, has been filed by the Appellant in the Civil Court for which the date of hearing has been fixed for 05.12.2018.

The Appellant admitted that the civil suit has been filed in the civil court, for which the date of hearing is 05.12.2018. He stated that he has nothing to say more in this regard and requested to grant relief, as prayed for.

After hearing both the parties and documents made available on record, it is observed that there is a delay of about five months in filling the appeal before the Electricity Ombudsman and the Appellant failed to give any justification for delay. Moreover, during the intervening period, the appellant has also approached the civil court by filling a civil suit.

Keeping in view the above, the appeal is dismissed in terms of Regulation 3.16 of the Haryana Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers, electricity Ombudsman and Consumer Advocacy) Regulations, 37 of 2016, notified on 29.07. 2016.

The File may be consigned to the record.

Given under my hand on this day of 27th November, 2018.

Sd/-

(R.C.Mahajan)

Electricity Ombudsman, Haryana

Dated: 27.11.2018

Endst. No. HERC/EO/Appeal No. 26/2018/2954-61

Dated: - 28.11.2018

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, 132 KV, Sub Station, BTM Road, DHBVNL Bhiwani.**
- 6. The Executive Engineer/Sub-Urban Division, DHBVNL, Tosham Road, Bhiwani (Haryana).**
- 7. The SDO, Operation, Sub Division, DHBVN, Pilani Road, Loharu (Haryana).**
- 8. Sh. Shri Chand So/ Sh. Mangtu Ram, House No. 218, Village & Post Office Barwas, Tehsil Loharu, Distt. Bhiwani-127201 (Haryana).**