



CONSUMER GRIEVANCES REDRESSAL FORUM

Uttar Haryana Bijli Vitran Nigam

Shakti Bhawan, IInd Floor, Room No.317, Sector-6, Panchkula

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Complaint No.	-	UH/CGRF- 325/10
Date of Institution	-	3.11.2009
Date of Hearing	-	23.12.2010
Date of Order	-	16.02.2011

Before the Consumer Grievances Redressal Forum, UHBVNL.

Present:-

1. Sh. R.K. Jain, Member-I.
2. Sh. D.C. Aggarwal, Member-II.
3. Sh. Raj Roop Jakhar, Member-III.

In the matter of complaint of D.R. College of Engg. & Technology , Vill Kakoda, Israna regarding levy of Development charges.

.....Complainant/Petitioner

Vs

- (1) The XEN Sub-Urban Division, UHBVNL, Panipat.
- (2) The SDO 'OP' Sub/Division, UHBVN, Israna.

.....Respondents

Appearance:-

For Complainant:

Sh. Chander Parkash.

For the Respondent:

Sh. Arun Kumar, SDO 'OP' Sub/Division, UHBVN, Israna.

ORDER

The complaint of D.R. College of Engg. & Technology , Vill Kakoda is the consumer of the Respondent and has got electric connection No. PK- I- 308 under the jurisdiction of SDO 'OP' Sub/Division, UHBVN, Israna. This Forum has the jurisdiction to try this suit.

The complainant in their petition have submitted that they have received a notice vide SDO, Op Sub-Divn., Israna memo No- 1750 dated 8.9.09 requiring them to deposit Rs. 2,98,675/- as development charges. They have approached the SDO office as well the XEn at Panipat in this regard. Their college is situated in village Kakoda, Tehsil Israna, Distt. Panipat which is a 'Free Zone'. The college has also taken no objection from Town Planer, Panipat for the construction. The SDO has wrongly interpreted the Circular and has issued notice for deposit of Development Charges. The SDO has not taken note that their college is situated in a 'Free Zone'. In view of this the complainant has requested the Forum that SDO may be directed to withdraw the charges and college may be allowed to deposit the electricity bill s that students are not put to inconvenience because of disruption of electricity. The consumer submitted requisite affidavit of 26.10.09.

The petitioner submitted his petition on 3.11.2009 and notice of motion dated 6.11.09 was issued to both the parties. Further notice of motion dated 7.12.09, 7.01.10, 2.2.10, 8.3.10, 7.4.10 were issued to the respondent XEn to submit the version. The respondent submitted the version under an affidavit dated 26.4.10 stating that –

The connection of the consumer was released on 3.07.09. At the time of release of connection, no development charges were recovered from the consumer. The Internal Audit Party pointed out that as per SC No- 52/2007 dated 10.7.07, development charges of Rs. 2,98,675/- are recoverable from the consumer. Accordingly notice was issued to the consumer vide memo No- 1750 dated 8.9.10. On the representation of the consumer that their area falls outside the controlled / urban area where no development charges are leviable, the matter was referred to Chief Auditor, Rohtak (vide SDO OP Sub-Divn, Israna) memo No- 1089 dated

20.4.10). As and when permission is granted by Chief Auditor, the refund will be given.

Summons was issued to both the parties to attend the hearing proceedings on 27.5.10 and 24.6.10. On 27.5.10 the complainant attended but the respondent remained absent. On 24.6.10 the respondent attended but the complainant did not attend. During hearing proceedings on 24.6.10, in the absence of the complainant the Forum decided and dismissed the complaint under its order dated 31.8.10.

However, the complainant filed the application dated 23.9.10 through their counsel requesting for reviewing and setting aside the decision dated 31.8.10 on various grounds and submitted that –

1. Their college falls under 'Free Zone' and permission for construction had been granted by the Town & Country Planning Dept. Govt. of Haryana. So the demand of development charges is without any base and they are not liable to pay this.
2. After, they filed the original application on 3.11.09, notice of motion were issued to the respondent on 7.12.09, 7.01.10, 2.02.10, 8.03.10, 7.04.10 and ultimately with cut of date as 27.04.10. The respondent took five months to submit version. The first date of hearing was fixed fro 27.05.10 when they were present. The next date was fixed for 24.06.10 was fixed which they could not attend since they did not receive any Summons or intimation in any way and so could not plead their case.
3. That Ld. Forum has erred in not taking into consideration the relevant SC – U-10 / 2010 dated 09.04.10 which provides for lesser levies, @ Rs. 1000/- per kw.

The applicant prayed that in the interest of justice, they may be given an appropriate and proper hearing and their electricity connection may be not disconnected. The Counsel pleaded that the review application can be considered under Order-9 of the Civil Procedure Code.

The Forum, after reviewing the matter, found during proceedings held on 29.09.10 that the applicant needs to be given further opportunity of being heard and therefore as per the Order-9 of CPC the case may be reheard. For this the respondent SDO, Israna who was personally present gave his 'no objection' verbally during the proceedings itself. It was further decided that since, as per the earlier version, the matter stands referred to the Chief Auditor, UHBVN, Rohtak, the respondent shall get the issue decided finally from the competent authority. He shall also look into

any other issue mentioned the application dated 23.09.10 copy of which was given to the respondent. He was directed to submit the compliance on the next date of hearing.

The proceedings were held on 28.10.10 and the respondent was asked to get final version in the matter from the Chief Auditor to whom he has referred the matter for withdrawal of audit para. During proceedings held on 25.11.10 the respondent submitted a copy of his office memo No- Ch- 23/CGRF -2 dated 19.11.10 intimating Chief Auditor had approved withdrawal of the audit observation and that the same has been submitted further to CE, Op, Rohtak for approval for withdraw. He was advised to pursue the matter with the appropriate authority at personal level and submit final version. During proceedings held on 23.12.10, the respondent SDO failed to submit final version. The proceedings were closed with the assurance that approval of competent authority shall be submitted within a week. It has been observed by the Forum with a serious note that the respondent has failed to submit the approval of the competent authority for a very long period since the closure of the proceedings.

The Forum considered the facts and observed that the notice for recovery was based on the observation of the Chief Auditor and since the Chief Auditor has withdrawn there should have been no delay on the part of respondent to delay the matter any further. The Forum therefore decides that the amount should not be recovered from the Consumer in view of the decision of the Chief Auditor. As regards undertaking given by the consumer to deposit Rs. 1000/- per KW for sanctioned load of 39.89 KW, since the respondent has not submitted any reply to this, the action on this issue may be taken by the respondent as per the instructions of the Nigam.

The petition is hereby disposed of without any cost on either side. File be consigned to the office record.

The order is issued and signed by the Consumer Grievances Redressal Forum on 16.02.2011.

(Raj Roop Jakhar)
Member-III

(D.C.Aggarwal)
Member-II

(R.K. Jain)
Member-I