



CONSUMER GRIEVANCES REDRESSAL FORUM

Uttar Haryana Bijli Vitran Nigam

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

E-mail: uhbvn_forum2006@yahoo.com

Fax & Phone No. 0172-2583896

Complaint No. CGRF-470/11

To

The Managing Director,
UHBVN. Panchkula.


Memo No. Ch- 30/UH/CGRF-470

Dated: 24/10/2011

Subject: - Order in respect of complaint of Vidya Peeth Education Trust of Panipat regarding extension load.

Enclosed please find herewith the order issued by Consumer Grievances Redressal Forum in respect of above complaint for its compliance.

DA/As above


Secretary,
CGRF, UHBVN,
Panchkula

CC.

1. Secretary/HERC, Sec-4, Panchkula.
2. CE/OP, UHBVN, Rohtak.
3. SE/ 'OP' Circle UHBVN, Panipat.
4. SE/Commercial UHBVN, Panchkula.
5. XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
6. XEN/OP Division, UHBVN, Samalakha with a copy of order.
7. SDO/OP, S/Division, UHBVN, Samalakha.
8. Vidya Peeth Education Trust, 1801, New Housing Board Colony, Panipat-132103.

For information & further necessary action with respect to order of Forum (copy enclosed).



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Complaint No.	UH/CGRF - 470 of 2011
Date of Institution	06.04.2011
Date of Hearing	21.09.2011
Date of Order	26.09.2011

Before the Consumer Grievances Redressal Forum, UHBNL.

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 M/s Vidya Peeth Education Trust, 1801, New Housing Board Colony, Panipat regarding refusal to permit extension of load.

.....Complainant/Petitioner

Vs

- (1) XEN, Op. Division, UHBN, Samalkha
- (2) SDO, Op. Sub-Division, UHBN, Samalkha

.....Respondents

Appearance:-

For Complainant:

Sh. S.S. Verma

For the Respondent:

Sh. S.S. Dahiya, SDO, Op. Sub-Division, UHBN, Samalkha



ORDER

The complainant M/s Vidya Peeth Education Trust, 1801, New Housing Board Colony, Panipat have got an electric connection bearing LS-21 under Op. Sub-Division, UHBVN, Samalkha and the Forum have the jurisdiction to try this suit.

It has been pleaded by the complainant vide their application dated 17.2.2011 that they had applied for permission to deposit security for extension of load from 184.486 KW to 449.994 KW but same was not accepted because the SDO Samalkha had referred the case for advice to legal cell in the case of development charges. Now the decision had been given in their favour, so the SDO may be instructed to accept their security deposit.

The application of the petitioner was received in this office of the Forum on 4.4.11. The Forum considered the facts and found the petition feasible of acceptance. Accordingly notice of motion dated 6.4.11 was issued to the complainant to submit affidavit and the respondents to submit their version. The complainant submitted a detailed complaint stating that they had again requested the SDO in writing on 14.3.11 and 8.4.11 for acceptance of security but he has rejected their case again stating that the final decision of the legal section Panchkula was awaited in the development charges case. Rather they have sent them a notice for deposit of Rs 373825/- and surcharge @ 2% pm Rs. 652572/- wef 1.2.07 for which the case was pending in the Hon'ble Pb. & Haryana High Court. The complainant has detailed the facts of the case pending in the High Court which have been taken on record by the Forum. It has been submitted by the complainant that the case was decided in their favour by the Appellate Authority directing the Nigam to refund the amount deposited by them along with interest. It was Nigam which filed the petition in the High Court and there is no stay on operation of decision of the Appellate Authority or any order from Court for them to deposit any money. It has been pleaded by the complainant that refusal to extend load when there is no legal liability is simply harassment and therefore requested the Forum to intervene and direct the SDO Samalkha to accept security for extension of load.

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Another notice of motion was issued on 29.4.11 asking the respondents to submit the version.

Respondent SDO submitted undated version dated 14.5.11 stating that the case cannot be processed in the light of SC No- 16/93 dt 28.5.93 and 28/10. In this case the consumer is required to complete two formalities, i.e. give an undertaking that he will abide by the decision of the Arbitrator/Court and submit a bank guarantee equivalent to the original amount in dispute valid uptill the implementation of the award / decision. It also submitted that the case was pending in the High Court.

The Summons were issued for hearing on 16.5.11. The respondent SDO in his affidavit dated 21.6.11 submitted that the decision of the CGRF in the case related to development charges had been implemented and necessary relief granted to the consumer. Another case is pending in the High Court and the consumer has been requested to comply with the requirements of the SCs so that their case for extension of load could be considered. Further summons were issued for hearings on 22.6.11, 20.7.11, 25.8.11 when none of the parties attended the proceedings. However the respondent SDO under his affidavit dated 19.8.11 submitted that the High Court had decided the case in the favour of the consumer and the LR vide memo dated 13.7.11 had also directed to implement the decision of the High Court. Now the complainant consumer could deposit the additional Security /ACD and same shall be accepted. The Final date for hearing was fixed for 21.9.11 when both the parties attended. The complainant vide their application dt 20.9.11 erroneously written as 20.8.11 as stated by the person attending the proceedings confirmed that they had deposited security of Rs. 409000/- vide RO-4 No- 345/050969 dt. 17.8.11 and they were assured that after depositing this money they will be issued demand notice within one week but till demand notice had not been issued. On enquiry for delay, the respondent SDO explained that this could not be done due to overwork which was not found valid reason by the Forum.

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The Forum after due deliberations observed that even after deposit of the necessary charges the respondent had failed to take action for more than one month. However the SDO again requested that the completion of work shall take another one month. The representative of the complainant submitted that the session of the college had already started and any delay can be very inconvenient to students and their overall functioning. After listening to the limitations explained by the SDO, the Forum observed that the action on their part had already been delayed and so they should ensure extension of load within one month from 21.9.11.

The Forum, therefore decided that case is disposed off without any other cost on either side. The file be consigned to the office record.

The order is signed and issued by the Consumer Grievances Redressal Forum on 26.09.2011.


(Raj Roop Jakhar)
Member-III


(D.C. Aggarwal)
Member-II


(R.K. Jain)
Member-I

