

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sultan Ahmed
S/o Shri Mangta Hassan
Village Bijholi, Tehsil Roorkee,
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Ramnagar, Roorkee,
Distt. Haridwar, Uttarakhand

Representation No. 31/2019

Order

Dated: 31.07.2019

The petitioner, Shri Sultan Ahmed S/o Mangta Hassan Village Bijholi, Distt. Haridwar being aggrieved with the order dated 10.05.2019 of Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) in his complaint no. 58/2019 dated 24.04.2019 against the respondent, Executive Engineer, Electricity Distribution Division, Ramnagar, Roorkee, has filed this representation before the Ombudsman.

Earlier, the petitioner has filed a complaint no. 222/2012 dated 01.08.2012 before District Consumer Dispute Redressal Forum, Haridwar (hereinafter referred to as District Forum). The said District Forum vide their order dated 24.08.2013 had dismissed the complaint on merits. Where after he preferred first appeal no. 292/2013 against order of the District Forum dated 24.08.2013 before the State Consumer Disputes Redressal Commission, Uttarakhand, Dehradun (hereinafter referred to as State Commission). The State Commission vide their order dated 26.04.2016 had not interfered with the District Forum s order and dismissed the appeal on merits. The State Commission however granted the liberty to the appellant to approach the Forum in regard to his grievance and as such the complaint 58/2019 before the Forum was filed on the direction of the State Commission.

In the instant case as the petitioner had approached the Forum not as per provisions of section 42 (5) of the Electricity Act, 2003 but under the directions of the State Commission where

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the said Commission passed final order and dismissed his appeal vide their order dated 26.04.2016. As such since the petitioner have already availed the alternate remedy available to him under section 42 (8) of the Act and final order had already been passed by the State Commission, he is therefore not entitled to approach the Forum and to Ombudsman as required under section 42 (5) and (6) of the Act. The Forum vide their order dated 10.05.2019 have given reference of sub regulation 3.1 of UERC (Guidelines for Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of Consumers) Regulations, 2019 which reads as follows:

The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any Court/authority or any other Forum is pending or a decree award or a final order has already been passed by any competent Court/authority or Forum. and have thus disposed off the complaint without passing any orders on merits as the case is beyond its jurisdiction in view of aforesaid regulation.

Such being the case, this appeal is not maintainable before Ombudsman and therefore no order on merit can be passed by the Ombudsman, in view of the aforesaid UERC Regulation. Therefore it is needless to reproduce the contents of the appeal, written statement by the respondent and other documents and arguments put up by the petitioner during hearing on 22.07.2019 as also respondent s written arguments in his letter no. 1291 dated 22.07.2019. Forum order is therefore upheld. Petition is disposed off without any orders on merit being beyond jurisdiction of CGRF and Ombudsman Mechanism in terms of the above referred UERC Regulation.

(Subhash Kumar)

Dated: 31.07.2019

Ombudsman

