

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Himgiri Ispat Pvt. Ltd.
E-27, 28, 39 and 40 Industrial Area, Jasodharpur,
Kotdwara, Distt Pauri Garhwal

Vs

The Executive Engineer,
Electricity Distribution Division, UPCL, Kotdwara, Uttarakhand

Representation No. 05/2010

Order

A representation has been filed on 17.06.2010 on behalf of M/s Himgiri Ispat Pvt. Ltd. by the company's Director, Shri Shane Alam (Applicant) challenging the order passed by The Consumer Grievance Redressal Forum, Garhwal Zone (Forum) on 21.04.2008. Since the representation has been filed with considerable delay, request has also been made for condoning the delay.

2. Regulation 5 (1) of the Uttaranchal Electricity Regulatory Commission (Appointment & Functioning of Ombudsman) Regulations, 2004, which deals with filing of such representations is as reproduced below:

5 (1) Any complainant who is aggrieved by the order of the forum or non-redressal of his Grievance within the specified time by the Forum, may himself or through his authorised representative make a representation to the Ombudsman within thirty days from the date of the receipt of the decision of the forum or within thirty days from the date of the expiry of the period within which the Forum was required to take decision, whichever is earlier.

Provided further that the Ombudsman may entertain an appeal after the expiry of the said period of thirty days if the Ombudsman is satisfied that there was sufficient cause for not filing it within this period.

Against the period of 30 days stipulated in the above Regulation this representation has been filed more than 25 months of passing of the Forum's impugned order. Accordingly the condonation application filed by the applicant was listed for hearing the parties for 23.07.2010. During the said hearing on 23.07.2010, the opposite party was absent and the applicant was represented by his counsel's junior.

3. I have carefully gone through the application for condoning the delay of more than 2 years. It is admitted that the Forum's order was received by the applicant on 12.05.2008. The request for condoning the delay has been made on account of

misplacing of papers in the applicant's office. The fact that the papers were misplaced and remained so for more than two years without detection or inconvenience would suggest that the impugned order has not resulted in any serious problem and consequential grievance to the applicant. In any case, the reason for this delay as given in the application is not one that was beyond the control of the applicant and was certainly not unavoidable. If the applicant had been serious enough in dealing with this matter, such oversight or carelessness would not have occurred or at least would have been detected and rectified within reasonable time.

4. The reason given for condoning this delay of more than two years is not convincing. I am therefore not inclined to accept this request and entertain a representation which has been filed with unacceptably long delay of more than two years. The representation has not been filed in conformity with relevant provisions of law and is therefore hereby rejected.

Dated: 11.08.2010

Divakar Dev
Ombudsman