

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Suraj Kumar Saxena
S/o Shri Ramesh Bhadur Lal Saxena,
Near Janta Inter College, Civil Lines, Rudrapur,
Distt. Udham Singh Nagar, Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division, UPCL, Rudrapur,
Distt. Udham Singh Nagar, Uttarakhand

Representation No. 07/2010

Order

A representation has been filed by Shri Suraj Kumar Saxena, S/o Shri Ramesh Bahadur Lal Saxena (applicant) on dated 06.09.2010 against the order of Consumer Grievance Redressal Forum, Kumaon Zone (Forum) dated 03.07.2010. Since the representation has been filed beyond the stipulated period of 30 days, request for condonation of delay has also been made. Notice was issued to the respondent, who has objected to the request for condonation and applicability of Section 5 of the Electricity Act, 2003.

2. Applicant was heard on 15.12.2010 and he has produced rulings to that effect for condoning the delay application and admitting his application. Mr. S. M. Jain, Advocate on behalf of UPCL has been heard on 15.03.2011. In the interest of justice delay is condoned.
3. I have heard both the parties on admissibility of the appeal and have gone through the papers. It has been stated by the appellant that the case of theft under section 135 of the Electricity Act, 2003 has been registered by UPCL, by authorized officer, as stated in Section 135 (2) of the said Act, by the notified officer. The respondent has shown the copy of FIR of crime case no. 374/09 dated 08.09.2009 and stated that the matter is pending before District Court designated as Special Court under Section 153 of the Electricity Act, 2003, which is investigating the fact. The present appeal on the facts and circumstances is not maintainable and is liable to be dismissed.
4. The appeal is hereby dismissed.

Dated: 15.03.2011

Neeraj Sati
Ombudsman