

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Shri Bhagwat Prasad Atam Prakash
Haridwar Road, Rishikesh,
Distt. Dehradun, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Shail Vihar, Rishikesh,
Distt. Dehradun, Uttarakhand

Representation No. 24/2019

Order

Date: - 12.06.2019

The petitioner, Shri Bhagwat Prasad Atam Prasad has approached the Ombudsman against the order dated 16.04.2019 passed by the Member (Consumer), Electricity Consumer Grievance Redressal Forum, Garhwal zone Dehradun in complaint no. 120/2018.

2. Petitioner's case is that while the Judicial Member vide his detailed order dated 16.04.2019 has allowed the complaint, the Member (Consumer) dismissed the complaint as not maintainable and since Member Consumer has erred in dismissing the complaint his order may be set aside and his appeal allowed.
3. Before going into the merits of the case, it is necessary to refer the relevant regulations wherein Ombudsman jurisdiction arises in one of two cases 1) either when a complainant is aggrieved by an order of the Forum. or 2) when the Forum has been unable to redress his grievance within the specified period of time i.e. 60 days. In the instant case two separate orders have been passed by the two members, who heard the complaint within the 60 days period. Since the quorum for the Forum is defined in regulation 2.3 (1) as follows:

“(1) Any two member of the Forum appointed under regulation 2.2 of these Regulations shall form the quorum for Forum's sitting.”

4. In the light of the provisions of regulations quoted above, neither of the two orders dated 16.04.2019, of the individual members of the Forum, is an order of quorum of the Forum. Neither order can be termed as Forum order. It will therefore not be appropriate to process the representation and decide on merits in the absence of a Forum order. In the interest of justice it is appropriate that the case is examined at length in the Forum. The case is therefore remanded back to the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) for deciding the complaint as per law and relevant regulations.
5. In the course of the hearing petitioner has informed of action taken by the respondent, Executive Engineer through their letter dated 24.05.2019, in compliance with order dated 16.04.2019 of the Judicial Member of the said CGRF, whereby their bill has been revised and petitioner has also deposited the amount of the revised bill. As observed above, it is reiterated that orders of the two members dated 16.04.2019 do not constitute order of the Forum. Action taken by the respondent, Executive Engineer, as reported through his letter dated 24.05.2019, is without authorization by Forum, and may be dealt with appropriately by the Licensee.

Dated: 12.06.2019

(Vibha Puri Das)
Ombudsman