

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.2425 of 2016 (O&M)

Date of Decision : 08.05.2017

Punjab State Power Corporation Ltd.

....Appellant

Versus

Satguru Pratap Singh Apollo Hospitals
and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present : Ms.Meena Bansal, Advocate
for the appellant.

.....

MAHESH GROVER, J. (Oral)

This Letters Patent Appeal is against the judgment of the learned Single Judge dated 13.07.2016 whereby a detailed order of the Ombudsman passed in favour of respondent No.1 was upheld. As a direct consequence of that the consumer was held entitled to refund of certain amount qua the period specified therein as also a sum of Rs.1 lakh which was the penal consequences visited upon the appellant. The Ombudsman had noticed that the controversy revolved around three issues, with the first one about the method adopted by the Forum for working out the date of refund w.e.f. 26.08.2014. The Forum had considered the date of second application submitted by the consumer to be the relevant date i.e. 04.08.2014. Instead of

prescribing 14 days period contemplated in Regulation 11.3 of the Supply Code period of 21 days was provided by the Forum which was totally contrary to the said order. There was no justification offered by the appellant in this regard and thus the Ombudsman upheld the Grievance Redressal Forum decision entitling the consumer to refund w.e.f. 19.08.2014 to 17.09.2014 instead of 26.08.2014 to 17.09.2014. Similarly the appellant's plea of charging extra from the consumer from 19.08.2014 to 25.08.2014 was also negated.

Learned counsel for the appellant contends that the refund order on account of 25% extra tariff charge by them could not have been done. We do not find any infirmity in the order of the Ombudsman as upheld by the learned Single Judge in view of the reasoning adopted that when Regulation 11.3 of the Supply Code prescribes a period of 14 days there would be no occasion for the appellant to prescribe a period of 21 days and burden the consumer in this regard. Evidently, all the three issues outlined by the Ombudsman are interconnected as also is the issue of compensation granted to the consumer on account of the breakdowns, delay and expenses incurred by the appellant for running DG Sets.

In Letters Patent Appeal we would decline interference for the reasons that no legal infirmity has been shown in the impugned orders and being a correctional forum there would

thus be no occasion to interfere in the absence of any such infirmity either in law or jurisdiction.

However, the delay of 23 days in filing the appeal, which is largely attributed to procedures, finding not so inordinate, is hereby condoned.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

08.05.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No