

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

CWP-21750-2020

Date of decision: - 06.01.2021

**Raghav Woollen Mills High Class Super Soft Mink Blankets
Manufactures**

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikram Singh, Advocate,
for the petitioner.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed challenging the order dated
29.09.2020 (Annexure P-13) passed by respondent No.6.

As per the facts mentioned in the petition, petitioner had
approached the Consumer Grievances Redressal Forum, UHBVN,
Kurukshetra, raising the grievance with regard to the demand of
₹13,30,000/- from him.

The Consumer Grievances Redressal Forum, UHBVN,
Kurukshetra, while allowing the claim of the petitioner, passed an order
dated 18.11.2019 (Annexure P-12), wherein, it has been held that

charging of the levy of ₹13,30,000/- was not in accordance with the circulars, which have been issued by the respondent-UHBVN. As the order passed by the Consumer Grievances Redressal Forum, UHBVN, Kurukshetra dated 18.11.2019 (P-12) was not being implemented and the petitioner was not being refunded the amount of ₹13,30,000/-, he approached respondent No.6 for the implementation of the order dated 18.11.2019 (P-12). Thereafter, respondent No.6 has passed an order dated 29.09.2020 (P-13), while disposing of the said request of the petitioner. The relevant part of the said order is as under: -

“20. A reading of the said order in light of the order dated 27.11.2019 passed by the Commission would reveal that the prima facie view of this office is substantiated by the consideration made in the preceding paragraphs. It is worth consideration that the Sale Circular No.U-03/2019 issued by the office of Superintending Engineer/Commercial UHBVN Panchkula stopped short of making an absolute provision for the Service Connection & Load Extension Charges. A clear stipulation was made in the said circular that the directions issued therein and the demand notices to be issued there under were to contain a note to the effect that the charges being levied would be subject to the outcome of the review petition pending before the Commission. As such, the absolute case made by the petitioner for exemption from applicability of the Circular was not liable to be accepted. In any case, even if the Sale Circular No.U-03/2019 is not considered, it is clear that the relief granted to the appellant has the effect of undoing the clarification given by the Commission vide its judgment dated 27.11.2019. The more advisable course for the Forum was to not given any final decision on the questions of law and fact which were pending consideration of the Commission as on the date of decision i.e. 18.11.2019. Presently, if the said order passed by the Forum is implemented by the DISCOM(s) then it will have the effect of perpetuating the anomaly which the Commission has sought to prevent on the petition made on behalf of the DISCOM(s). In view of the above

observations, the present case is remanded back to the Forum for deciding the representation afresh. No appeal lies before the Office of the Ombudsman since the relief has already been granted to the appellant by the forum and no question or challenge has been made against CGRF order. The Forum is directed to consider the case of the Appellant in light of orders passed by the Commission, especially the order dated 27.11.2019. The forum shall also consider the issue of its jurisdiction, as prescribed under the relevant provisions, as to whether the question as to applicability of the Sale Circulars issued by the DISCOMs on the basis of the Commission's Regulations can be adjudicated by the Forum.”

Learned counsel for the petitioner argues that though, respondent No.6 has opined that no appeal lies before the Ombudsman and also that the relief has already been granted by the Forum, hence, no order can be passed, but while passing the speaking order (P-13), certain observations have been made by respondent No.6, which are contrary to the law and against the interest of the petitioner. Learned counsel for the petitioner submits that once, the prayer of the petitioner was rejected on the ground of maintainability, no observations could have been made by respondent No.6 while passing the order dated 29.09.2020 (P-13).

Notice of motion.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of the respondents.

Learned counsel appearing on behalf of the respondents submits that as per the Haryana Electricity Regulatory Commission (Forum & Ombudsman) Regulations, 2020, the jurisdiction for implementation of any order passed by the Forum lies with the Haryana

Electricity Regulatory Commission keeping in view the provision of Section 2.41 of the said Regulations read with Section 142 of the Haryana Electricity Act, 2003. Provision 2.41 of the said Regulations is as under: -

“2.41 The decisions of the Forum will be recorded duly supported by reasons. The Order of the Forum will be communicated to the complainant, Licensee and the concerned Dispute Settlement Committee, if applicable, in writing within 7 days of the passing of the Order. The Licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the Licensee, may extend the period for compliance of its order up to a maximum of three months.

In case of non-compliance of the Order of the Forum or that of a Dispute Settlement Committee, the aggrieved consumer may approach the Commission who will provide the consumer as well as the Licensee an opportunity of being heard. The Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.”

Learned counsel for the petitioner submits that petitioner has no objection in approaching the appropriate authorities for the implementation of the order passed by the Forum dated 18.11.2019 (P-12), but the observations, which have been made by respondent No.6 in the impugned order dated 29.09.2020 (P-13), will come in his way.

Keeping in view the above, petitioner is directed to avail the appropriate remedy for the redressal of his grievance by approaching the competent authority, as envisaged under law, detailed hereinbefore.

It is also made clear that in case the petitioner approaches the competent authority for the redressal of his grievance, appropriate order considering his grievance will be passed by the authorities on merits of

the case without being influenced in any manner by any observations, which have been made by respondent No.6 in the impugned order dated 29.09.2020 (P-13).

Present petition stands disposed of in the above terms.

January 06, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No