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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Decided on: August 25, 2022.

(1) CWP-23816-2015 (O&M).

M/s G.G. Fibers Pvt. Ltd.

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(2) CWP-23727-2015 (O&M).

M/s Akshay Spinning Mills

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(3) CWP-23753-2015 (O&M).

M/s Chirag Spinning Mills

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(4) CWP-23889-2015 (O&M).

M/s Siya Ram Garg HUF

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(5) CWP-23890-2015 (O&M).

M/s Siya Ram Garg

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(6) CWP-23891-2015 (O&M).

M/s Vishal Spinning Mills

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

CWP-23816-2015 (O&M)

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(7)

CWP-23892-2015 (O&M).

M/s S.G. Fibers Pvt. Ltd.

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(8)

CWP-23893-2015 (O&M).

M/s Sanjay Garg

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

(9)

CWP-23894-2015 (O&M).

M/s Deepak Spinning Mills

.. Petitioner

VERSUS

The Consumer Grievances Redressal Forum and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

**PRESENT Mr. Sumeet Goel, Sr. Advocate, with
Ms. Amrita Nagpal, Advocate, for the petitioner.**

Mr. R.S. Longia, Advocate, for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

1. A batch of nine petitions are being decided by this common order as counsel for the parties agree that the issue arising in the present set of cases is identical and can be decided by one common order.

2. For the facility of reference, facts are drawn from CWP No.23816-2015.

3. The present writ petitions have been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondent authorities to refund the over paid bill collected by the respondent No.2 - UHBVNL illegally and without authority from the petitioner.

4. Learned counsel appearing on behalf of the petitioners contends that petitioners-complainants are running their units in the Industrial Estate of Panipat and that electricity connections had been released to them in the general category from their respective feeder. It is further contended that it was informed to them by respondent No.2 – UHBVNL that the feeder from which the electricity connection had been released to the petitioners was converted to an independent feeder, despite no request made by the petitioners in this regard and the pre-requisites for execution and installation of an independent feeder having not been

fulfilled. Despite the above, the respondent No.2 - UHBVNL claimed its entitlement towards proportionate recovery of line losses from the petitioners who are the consumers by placing reliance on commercial circulars issued by the respondent No.2. It is contended that aggrieved of the above, a complaint was moved before the respondent No.1 - Consumer Grievances Redressal Forum (for short 'Consumer Forum'), however, the said complaint was not examined by the Consumer Forum on merits for the following reasons:-

“On date of hearing i.e. 29.07.2015, the respondent has informed to the forum in writing that an appeal in case of same nature under OP, Sub Division, UHBVN, Israna which was, decided by CGRF vide order dated 15.01.2015 in complaint no. CGRF-1020 and CGRF-1021 has been filed by UHBVN before Hon'ble Panjab & Haryana High Court bearing CWP No. 14011 of 2015. The Hon'ble High Court vide order dated 16.07.2015 has stayed the refund of the amount till further orders. In view of the order dated 16.07.2015 in CWP No. 14011 of 2015 passed by the Hon'ble High Court in case of UHBVN V/S CGRF & others in the same subject matter, this complaint is beyond the scope of CGRF in view of HERC, Regulation - 8 (1) (iv) which is reproduced below:

"The complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a degree or award or a final order has already been passed by any competent court."

Considering all the facts placed on record, the forum has decided to dismiss the case.”

5. Learned counsel representing the petitioners contends that the Consumer Forum did not examine the grievance of the petitioner - complainant espoused in the said complaint on account of pendency of CWP No.14011 of 2015 and the consequent stay granted therein.

6. The aforesaid writ petition already stands finally decided by an order of even date passed in the batch of the writ petitions titled as “Uttar Haryana Bijli Vitran Nigam and another Vs. The Consumer Grievances Redressal Forum and others,” CWP No.14011 of 2015.

7. Learned counsel appearing on behalf of the parties contend that they would be satisfied in case the Consumer Forum is directed to look into the grievances espoused by them and decide the cases on their own merits instead of dismissal of the same due to pendency of the aforesaid writ petitions.

8. Mr. R.S. Longia, Advocate, appearing on behalf of respondent does not dispute the contention advanced by the petitioner that the writ petition bearing CWP No.14011-2015 dealing with the said issue, has been decided against the distribution licensee. He further conveys his no objection to the matter being disposed of by directing the Consumer Forum to examine the complaints on merits and to pass a speaking order thereupon.

9. In view of above and with the consent of the contesting parties, the present writ petitions are disposed of by setting aside the order dated 29.07.2015 (Annexure P-5) passed by respondent No.1 and directing the said respondent to revive the complaints filed by the petitioners and to pass a speaking order thereupon after granting an opportunity of hearing to

the respective parties.

August 25, 2022.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No