



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

124

CWP No.13421 of 2025
DATE OF DECISION : 12th May, 2025

Nirmla Devi Alias Bimla and Anr.

.... Petitioners

Versus

**Uttar Haryana Bijli Vitran Nigam Ltd Through its Managing
Director Viduat Sadan & Ors.**

.... Respondents

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

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Present : Mr. Jai Bhagwan, Advocate for the petitioners.

Mr. Rajesh Gaur, Advocate for respondents.

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KULDEEP TIWARI, J. (Oral)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a challenge is thrown to the order dated 07.03.2025 (Annexure P-11), as passed by Electricity Ombudsman, Haryana, whereby, the order dated 30.08.2024 (Annexure P-10), as passed by the Consumer Grievance Redressal Forum (CGRF), was set aside.

2. The grievance sketched in the instant petition, by the petitioners, is that a well reasoned order dated 30.08.2024 (Annexure P-10), as passed by the CGRF, was set aside by the Electricity Ombudsman, without giving cogent reasons for the same. The main issue which was raised by the petitioners through the instant petition is that the



Officer, who passed the order as Chairperson, CGRF, Panchkula, had also passed the order as Presiding Officer, Ombudsman, therefore, the impugned order is not sustainable, in the eyes of law, as the same person cannot act as an Appellate Authority, to his own order. Before gauging the legality of the impugned order on the anvil of the submissions, as made by the learned counsel for the petitioners, and for apt adjudication of the dispute, it would be necessary to refer to the facts.

FACTUAL MATRIX

3. The petitioners filed a complaint before the Consumer Grievance Redressal Forum, of Uttar Haryana Bijli Vitran Nigam Limited (CGRF), with a request to change the name of the tubewell connection in the name of his mother. The case as set up by the petitioners before the CGRF is that, in the year 2011, their mother Smt. Nirmala Devi alias Bimla, had purchased 21 *kanal* 19 *marla* of land, situated in village Garhi Bhalaur, Tehsil Bhapoli, District Panipat, Haryana, from one Rajinder son of Kanvar Bhan. She also purchased tubewell connection No.T2-62, which was already installed in the said land. By referring to the details of other share purchased by petitioner's mother, it was pleaded before the authority (*supra*), that approximately 90% share in the joint *khewat* was purchased. The tubewell connection T2-62 was assigned a new number AP-10/1024X. It was further alleged that respondent No.5, in collusion with the officials of the distribution licensee, has got the said connection transferred in his name by showing it to be installed in *Khatauni* No.92, *Khasra* No.39/27. The forum (*supra*), after considering the submissions made by the



petitioners/complainants, found merits in the complaint, and finally passed a direction, upon the Sub Divisional Officer concerned, to initiate further action with regard to the change of name of the tubewell connection in the name of petitioner's mother, as per standing norms.

The relevant portion is extracted hereinafter:-

“After examining the reply of the Respondent SDO, the record available on the file on hearing both the parties, the Forum has observed that since cogent proof of registry has been given in which it has specifically been mentioned that the land along with tubewell connection (bearing Old Account No.T-2-62) and now New Account No.AP-10-1024X was also sold in the name of Smt. Nirmala Devi W/o Sh. Vijay Pal by seller Sh. Rajinder Singh S/o Sh. Kanwarbhan S/o Sh. Jage Ram. Moreover, s per Halka Kanungo Report submitted on 03.06.2023 and further certified on 18.07.2024 also speaks volume that in Khasra NO.39/8/1/1, the tubewell premises/electricity connection is existing in Khasra NO.39/8/1/1, West-mid side and 39/27 East-mid side, the tubewell bore is situated. So the pleading/contention made by the complainant has been found genuine. So the Forum directs SDO/Respondent to initiate further action regarding change of tubewell connection in favour of the complainant as per standing norms of the Nigam. The Forum observed that even after having known hard facts about the site report as well as other cogent proof submitted by the complainant, matter has been lingered on by the concerned officials due to which he has been put under unnecessary harassment, for which disciplinary action, as deemed fit, be taken by Xen (OP) Division, UHBVN, Samalkha, against the



delinquent officer/official, if any. The Forum directs Secretary, Corporate CGRF, UHBVN, Panchkula to endorse the copy of the order to Xen. (OP) Division, UHBVN, Samalkha for initiating disciplinary action against the delinquent(s) and sending compliance report of the orders within 21 days time without fail.”

4. The aforesaid order caused grievance to one Randhir Singh, and therefore, he preferred an appeal before the Electricity Ombudsman, Haryana, vide impugned order dated 07.03.2025 (Annexure P-11), the Ombudsman, come to a conclusion that the CGRF concerned, has passed the order without impleading Randhir Singh, as a necessary party, and even without affording an opportunity of hearing to him, the order was passed, and therefore, the said order is legally not maintainable. Accordingly, the Ombudsman accepted the appeal, and had set aside the order, as passed by the CGRF concerned, and remanded the *lis* back to the Corporate Forum, to re-examine the issue afresh, after affording due opportunity of hearing to both the parties concerned. And, the said order has been put to legal scrutiny before this Court, by the petitioner.

SUBMISSIONS BY LEARNED COUNSEL FOR THE PETITIONERS

5. Learned counsel for the petitioners, while referring to the enquiry report, submits that the said report was duly considered by the CGRF, in its order dated 30.08.2024, and this clearly reflects that respondent No.5, in connivance with the official respondents of distribution licensee, got illegally transferred the electricity connection, in question. He further submits that when the order was passed by the CGRF, it was presided over by Mr. R.K. Khanna, as Chairperson, CGRF,



Panchkula, and whereas, when the appeal was preferred by Randhir Singh, the same very officer, was subsequently appointed as Presiding Officer, Electricity Ombudsman, Haryana, who while allowing the appeal, had set-aside his own order as passed by him, as Chairperson, CGRF, therefore, the said order is not maintainable in the eyes of law.

ANALYSIS

6. Considering the submissions as made by the learned counsel for the petitioners, and after perusing the material available on record, which clearly reflects that Mr. Rakesh Kumar Khanna, was the Chairperson, CGRF, when the order dated 30.08.2024 was passed, and when he became the Presiding Officer, Electricity Ombudsman, Haryana, he while entertaining the said appeal, has decided the validity and legality of his own order, and therefore, the same is totally against law. This settled proposition of law, that a person cannot act as an Appellate Authority, to his own order, therefore, the order as passed by the Ombudsman, Haryana is *per se* illegal, and requires interference by this Court.

DECISION

7. This Court, further examined the order dated 30.08.2024, as passed by the Chairperson, CGRF, and is of the considered opinion that the said order, is not maintainable, as the same has been passed without impleading, and without affording a due opportunity of hearing to the affected parties, i.e. respondent No.5. Therefore, the said order being in violation of principles of natural justice, is not maintainable, and the same also requires interference by this Court. Though, the said order has



not been challenged before this Court, yet, while exercising the inherent jurisdiction of this Court, the order as passed by the CGRF is also **set aside**. Furthermore, this Court deems it apt to pass a *mandamus*, upon the CGRF concerned, to pass a fresh order after impleading respondent No.5, as a necessary parties, after affording a due opportunity of hearing to the affected parties concerned, expeditiously.

8. Consequently, the instant writ petition is **disposed of**.

12th May, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No