**Office/Court of the Ombudsman, Electricity Punjab,**

66 KV Grid Sub-Station, Plot No. A-2,

Industrial Area, Phase-1, S.A.S Nagar (Mohali)

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**IN THE CASE OF REPRESENTATION OF M/S ALCON WIRES & CABLES, (A/C NO. LS-10 & LS-28)**

**27-A, FOCAL POINT, RAJPURA**

Appeal No: G-40 / 2015 Date of Order: 18.08.2015

**ORDER**

An application dated 14.08.2015, received from M/S ALCON WIRES & CABLES, (A/C NO. LS-10 & LS-28) 27-A, FOCAL POINT, RAJPURA informing that the Forum has refused to condone the delay and to adjudicate their dispute case vide its letter no: 1414 / T-68 dated 21.7.2015 and requesting for issuance of directions to the CGRF to register the case of the petitioner and adjudicate the same as per law.

The representation alongwith connected documents has been perused and considered. The petitioner in his petition has mentioned that he is having two LS connections having A/c No. LS-10 and LS-28 at Focal Point, Rajpura. During 2009-2010 some dispute arose about peak load violations against which heavy demand was raised against the petitioner. Being non-conversant with the grievance redressal system, the petitioner challenged the demand in Civil Court at Rajpura through civil suits instituted on 20.7.2009, 12.9.2009 and 20.3.2010 which remained pending in Court upto August, 2014 when all the three civil suits were dismissed on the ground that jurisdiction of Civil Court is barred as per Section 145 Electricity Act-2003.

The petitioner has further mentioned that as he was not aware about the redressal procedure and as to where he has to file appeal as per prevailing Act so he pursued the issue with various authorities and finally he came to know from SDO/OP, PSPCL, Rajpura that appeal can be filed with the PSPCL Forum at Patiala. Accordingly, an appeal was filed which was not registered by the Forum. Directions on their representation were also issued vide O.E.P. Court Memo. No. 571 / OEP / G-26 dated 29.5.2015 to represent afresh to the Forum in the light of their observations. Necessary compliance was made by the petitioner vide their letter dated 13.7.2015, but the Forum, vide their letter No. 1414 dated 21.7.2015 again returned their appeal without condoning the delay and registration of their case for adjudicating it on merits.

On scrutiny of available documents, it is transpires that objections raised by the Forum vide its letter dated 21.7.2015 are irrelevant. There are admitted facts on record to believe that all the three cases were dismissed by the Civil Court on the sole issue of Jurisdiction barred under Electricity Act 2003 and not after considering the merits of the Civil Suits after an approximate period of four years from the date of institution of suits, which itself is sufficient reason to condone the delay. Moreover, the Petitioner is also within his rights to file appeal directly in the office of Forum instead of going to the Dispute Settlement Committee in accordance with the Commission’s directives as per Supply Code-2014, proviso to Regulation 25.3.

In view of the above circumstances, the petitioner definitely deserves an opportunity to be heard, present the merits of his case for adjudication and argue to get justice, if otherwise, he is entitled on merits. Accordingly, by virtue of powers, conferred upon me vide Regulation 17.4 of PSERC (Forum & Ombudsman) Regulation-2005, it is hereby directed that the appeal, on receipt from petitioner, should be registered by the Forum for adjudication on merit without going into the issue of condonation of delay, which may be considered as condoned in view of the present circumstances.

Dated: 18th of August 2015.

(MOHINDER SINGH)

Ombudsman, Electricity Punjab,

Mohali.