

BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Petition No. 221/2005

Present:

1. Shri Vijoy Kumar, Chairman
2. Shri P.N. Pathak, Member
3. Shri R.D. Gupta, Member

In the matter of:

Appeal u/s 8 of the Consumer Grievance Redressal Forum & Electricity Ombudsman Regulations 2003 against the order of Consumer Grievance Redressal Forum.

AND

In the matter of:

Shri Ram Kishore Gupta
66/77, Kachchiana Mohal, Kanpur

Applicant

Versus

1. Managing Director.
KESCO,
Kanpur.
2. Assistant General Manager,
KESCO,
Phoolbagh ,Kanpur.

Respondents

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ORDER

An appeal has been filed under section 8 of the UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2003 by Sri Ram Kishore Gupta, R/o 66/77, Kachchiana Mohal, Kanpur against the order of the Consumer Grievance Redressal Forum, KESCO, Kanpur. The petitioner has also filed an interim relief prayer seeking stay on the impugned recovery notice till finalization of the case.

The above matter is in the nature of an appeal against the findings of Consumer Grievance Redressal Forum, and as per provisions of Section 42 (6) of the Electricity Act 2003 falls within the jurisdiction of Electricity Ombudsman. Since Electricity Ombudsman does not exist at present, the consumer has approached the Commission.

It also requires mention here that under clause 8(4) of the same section 8 of the UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2003, under which the petitioner has filed the appeal it is provided that:

“ Electricity Ombudsman” shall entertain no appeal by any party who is required to pay any amount in terms of an order of the Forum, unless the appellant has deposited in the prescribed manner, fifty percent of that amount. ”

Learned counsel for the petitioner was therefore asked whether the petitioner has complied with the above requirement of the regulation. Learned counsel answered in the negative but promised compliance.

The Commission therefore decides, that the petitioner should first deposit 50% of the amount that becomes due on him as per the orders of the concerned Forum, and thereafter, he can reactivate his petition through a formal communication to the Commission regarding compliance of the above provision.

Date of hearing in the matter shall be fixed by a separate notice after receipt of compliance by the petitioner.

(R.D.Gupta)
Member

(P.N.Pathak)
Member

(Vijoy Kumar)
Chairman

Dated 8.02.2005.
Lucknow