

## In The Forum of Jharkhand Electricity Ombudsman, Ranchi

Appeal No.EOJ/07of 2019

Ekta Jaiswal, W/o- Late Manoj Jaiswal, R/o- H.No. 181, Lane No.-6, Kasidih Area, Sakchi, P.O. & P.S. - sakchi, District-Jamshedpur (Jharkhand).

..... Appellant

Versus

1. Tata Steel Limited, Distribution Licensee through its Managing Director.
2. D.G.M., Town Electrical, Jamshedpur, Tata Steel Limited.
3. Smt. Krishna Devi, W/o- Late Sheodas Prasad Choudhary, R/o- H.No. 112 B, Lane no. 4, Kasidih Area, Sakchi, P.O. & P.S.- Sakchi, Jamshedpur.

..... Respondents

**CORAM: MR. PREM PRAKASH PANDEY**

For the Appellant : Mr. D.K.Pathak, Advocate.

: Mr. Shashikant Mishra, Advocate

For the Respondent No. 1 & 2 : Mr. Pandey Neeraj Rai, Advocate

: Mr. Akchansh Kishore, Advocate

For the Respondent No. 3 : Mr. A.K.Jha, Advocate

**Dated, 28<sup>th</sup> November, 2019**

1. The instant appeal is directed against the impugned judgement and order, dated 19-06-2018, passed by the Learned Consumer Grievance Redressal Forum (TSL) [hereinafter called CGRF], Jamshedpur, in case no. 16 of 2017, whereby and where under, the learned CGRF allowed the application of respondent no. 3 with respect to grant a fresh electrical connection and the further order dated 01-08-2019, passed in misc. case no. 14 of 2018, whereby and where under the application for review of order filed by the appellant dated 19-06-2018, passed in case no. 16 of 2017 by Electricity Consumer Grievance Redressal Forum, Tata Steel, Jamshedpur was rejected.

2. The factual matrix of the case, in brief, as contained, in memo of Appeal, is that the appellant is a widow lady. Her husband Late Manoj Kumar Jaiswal got a house with land on lease in Tata Lease area, situated at Kashidih, Lane no. 6, House no. 181, P.O. & P.S.- Sakchi, Jamshedpur, Dist- East Singhbhum on 31-12-2012 through registered deed no. 9397/7542 and he was living with his family in

the said house in peaceful possession. Her husband had temporarily allowed his brother Anil Kumar Jaiswal for running a shop. Suddenly, her husband died due to cancer on 19-08-2016. After the death of her husband house in question has been allotted in the name of the appellant and her two sons with the old allottee, Bhudhar Mall vide letter no. LAND/AKT/1187 dated 29-03-2017.

3. It is further case of the Appellant that after death of her husband, his brother namely Anil Kumar Jaiswal started creating all sorts of nuisance and also stopped paying electricity bills of the shop in question resulting into accumulation of arrears of energy charge and subsequent disconnection. Anyhow, she managed electricity to pay the energy charges and got the electricity restored. After restoration of the, she requested the said Anil Kumar Jaiswal to pay the energy charge against the use of electricity in the shop in question, which was flatly refused by him and finding no way out, she switched off/disconnected the connection of shop premises in question of Anil Kumar Jaiswal.

4. After the disconnection of the electric connection in shop in question, the respondent no. 3, who is mother of her husband and Anil Kumar, moved before the Learned CGRF (TSL), Jamshedpur with a prayer to grant a fresh/separate electricity connection to her mobile repairing shop, to which she claimed to have running through Anil Kumar Jaiswal and the said mobile shop in question is only source of her livelihood.

5. It is further alleged by the appellant that the aforesaid fact is being submitted on the basis of the submission recorded in the order dated 19-06-2018 and the appellant is unaware about the facts created by the respondent no. 3 as because the Learned Forum had issued notice to the appellant, however a copy of the petition filed by the respondent no. 3 was not attached with the notice nor even thereafter a copy of the said petition was ever supplied by the Learned Forum to the appellant. That the contents of the notice dated 11-12-2017 issued by the Learned Forum is self explanatory whereby and where under the appellant was directed to be present on 18-12-2017 for hearing on the point of fresh electricity connection in the premises of respondent no. 3 and further direction was made to submit written reply as to why not the existing connection of the electricity in the entire premises be disconnected permanently since she had disconnected the electricity provided to the shop of the respondent no. 3.

6. On notice, the appellant appeared before the Learned CGRF and the Learned Forum enquired as to whether she is ready or not for grant of electricity connection to the respondent no. 3 to which the appellant denied. Since the appellant was not provided a copy of the petition filed by the respondent no. 3, she simply opposed the grant of fresh connection to the respondent no. 3 and narrated in brief with respect to her lawful ownership over the house in question through her letter dated 18-12-2017 addressed to Sri. Seth Chandra Jha, Secretary-cum- office in-charge, CGRF (TSL) Jamshedpur which in no manner be treated as her counter affidavit to the petition filed by the respondent no. 3 before the Learned CGRF. It is further submitted that on appearance of the appellant on 18-12-2017, the Learned CGRF simply asked as to whether she has disconnected the electricity supply of the shop in question, which she answered in affirmative. The second and last question of the Learned Forum from the appellant was whether she has any objection on grant of electrical connection to the respondent no. 3, which she also answered in affirmative explaining her lawful ownership over the premise in question and thereafter the appellant was relieved.

7. It is also alleged that the Learned CGRF has neither appreciated the factual position of the dispute nor even has appreciated the legal provisions with respect to grant of fresh electrical connection and has ordered for grant of fresh electrical connection in favour of the respondent no. 3 in the premises of the appellant. The order dated 19-06-2018 though mentions about issuance of notice to the appellant; however it would be clear from the order itself that the appellant has not been provided proper opportunity of hearing. It is also alleged that without serving copy of the petition filed by the respondent no. 3 and without any counter affidavit/ written submission of the appellant, the Ld. CGRF ex-parte formulated the issues and even without deciding the issues ordered for grant of fresh electrical connection in favour of the respondent no. 3 vide order dated 19-06-2018, passed in case no. 16/2017. The appellant was neither made party nor even imp led as party in case no. 16/2017 after notice, the appellant remained unaware about further proceeding. The appellant was not even served/supplied copy of the order dated 19-06-2018.

8. Thee further case of the Appellant is that when the authorities of respondent no.1 came for grant of fresh electrical connection with police personnel, the appellant opposed and thereupon the police personnel informed and showed the order dated 19-06-2018 passed by the Learned Forum. Soon after coming to know

about the order the appellant approached to the learned .CGRF vide her letter dated 27-11-2018, praying for review of the order dated 19-06-2018 which was registered as case no. 14/2018. At subsequent stage the appellant was advised to approach before this Forum for ventilating her grievances and accordingly the appellant moved in appeal before this FORUM vide appeal no. EOJ Case no. 04 of 2019. However it was submitted before this FORUM that the application for review, filed by the appellant, against the impugned judgement has, been registered before the Ld. CGRF as miscellaneous case no. 14 of 2018 which is in progress. Accordingly, the appeal no. EOJ/04/2019 disposed of at the stage of admission itself in terms of the order dated 16-05-2019 while protecting the interest of the appellant. Moreover, the application filed by the appellant has been dismissed vide order dated 01-08-2019 passed in case no. 14 of 2018. Lastly it is prayed that aforesaid two order passed in aforesaid two case be set-aside in the interest of justice and /or during pendency of the appeal stay the operation and implementation of the orders and /or also pass such other orders may deem fit and proper in the interest of justice.

**9-** Respondent No 1,2 and 3 appeared and filed their separate rejoinder. Respondent No 3 has clearly mentioned in her rejoinder that the instant memo of appeal is being preferred for quashing of the order dated 19-06-2018 passed in case no. 16/17 and further order dated 01-08-2019, passed in case no. 14 of 2018 , application for review of order dated 19-06-2018, passed in case no. 16 of 2017 by electricity consumer grievance Redressal forum from Tata Steel, Jamshedpur rejecting the review petition, is not at all maintainable. The appellant is trying to harass the respondent no 3 and playing a delay tactics not to restore the fresh electricity connection. It is not a fact that appellant had allowed temporarily to his brother, Anil Jaiswal to run the shop because the Anil Jaiswal, brother of the husband of appellant while alive 20 years back handed over the said shop for his livelihood which is already mentioned in the Partition Deed of dated 28-02-2013. The further case is that it is the land department of Tata steel which ignored the norms set for the transfer of property, wherein name of five brothers and four sisters was not registered due to vested interest, at the same time they did not ask for No Objection Certificate from the aforesaid 9 persons which clearly indicates that something is wrong somewhere. It is further submitted that the averment made in para 4 is totally a concocted story made by the appellant to defame, harass & oust from the property the part of which legally Anil Jaiswal is supposed to get. So

far payment of electricity on regular basis is concerned it was regularly paid by the son of respondent no. 3 and so far payment is concerned by the appellant is the money paid for mutation of the property.

**10.** Respondent No 3 has further admitted that It is true that electricity was disconnected by the appellant of the shop in question due to which the respondent no. 3 filed a case before the Ld. CGRF (TSL) Jamshedpur because the mobile shop run by the Anil Jaiswal for the livelihood, is the only source of income. Ownership of the said shop is not supposed to be decided by the forum so the Hon'ble Forum is legally correct in deciding the matter.

**11.** Respondent No. 2 has stated in his written statement before this Forum with submission that the contents of appeal are either matters of record or submissions of the Appellant and she may be put to strict proof of the same. It is further stated that vide order dated 19-06-2018 passed by the learned CGRF, the staff/ personal of the company of this respondent had gone to the premises of the respondent no 3 for doing needful work of granting electricity connection but due to resistance from the side of the Appellant at the site , the staff/ personal could not do the needful work even in the presence of local police and further by the stay order dated 16-05-2019 granted by this Forum , company could not do the needful work. The further case is that it has come to the knowledge of the this respondent that a proceeding under section 107 Cr.P.C. has been started by the learned S.D.O. at the site and therefore no further attempt could have been made by this respondent .Therefore, under the aforesaid circumstances company is unable to comply with the said order . In view of the same, the non compliance of the order of the learned CGRF may kindly be ignored, which is neither deliberate nor intentional but due to the above reasons only/

**12.** Respondent no 1 has submitted to adopt the written statement filed by the respondent no 2.

**13.** Assailing the aforesaid two impugned judgement and order, it has been contended by the learned counsel for the Appellant that learned CGRF has committed an error in not appreciating the provision of clause 5.5.5 and 5.5.8 of the Supply Code Regulation 2015, which is in clear terms provides that a fresh electric connection to an occupier cannot be given without the consent of the owner, therefore, the said order is erroneous. The learned CGRF has failed to appreciate that the respondent no 3 has not shown any proof of her ownership or

consent of owner in case of occupancy of the shop in question. It has further been submitted that the learned CGRF has miserably failed to appreciate that the premises in question has been registered in favor of the appellant and her son , which has never been challenged or altered by any court of law and as such the appellant is rightful and legal owner of the premises in question. The learned CGRF has also miserably failed to appreciate that the so called agreement dated 28-04-2013, which has been made the basis of granting relief to the respondent no 3 does not indicate that the shop in question has been assigned to respondent no 3 rather it has been assigned to one Anil Jaiswal, who is not the signatory of the alleged agreement. Moreover the said agreement also speaks about the source of livelihood of the respondent no 3.

**14.** The learned counsel for the appellant has further submitted that the notice dated 11-12-2017 does not contain the copy of the application filed by the respondent no 3 and by said notice a show cause was passed to the appellant as to why not the existing connection of the electricity in the entire premises be disconnected permanently and as such said notice is itself defective. The learned CGRF has also failed to appreciate that the appellant has not submitted any counter affidavit in case no 16/2017 rather she has simply written a letter to Shri Seth Chandra Jha, the secretary cum-office in-charge of CGRF(TSL), which is no manner to be treated as reply to the petition filed by the respondent no 3 and as such the appellant has not been provided appropriate opportunity of hearing and the learned CGRF has misdirected itself by deciding the property dispute instead of deciding the issue of grant of fresh electric connection at the touch stone of the provision made under the Supply Code Regulation issued by the JRERC. It is also submitted that the learned CGRF has every jurisdiction to review its order if sufficient and cogent facts and provisions of law governing the field is brought to the notice of the Forum, especially when the order has been passed without giving opportunity of hearing.

**15.** Lastly it has been submitted by the learned counsel for the appellant that since the appellant was neither made party nor even impleaded as party respondent in case no 16/2017 after notice, the appellant remained unaware about further proceeding. On appearance of the appellant on 18-12-2017, the learned CGRF simply asked as to whether she has disconnected the electricity supply of the shop in question to which she answered in affirmative and further she was asked as whether she has any objection on grant of electric connection to the

respondent no 3, which she also answered in affirmative explaining her lawful ownership over the premises in question and thereafter she was relived. However, when the authorities of respondent no 1 came for grant of fresh electric connection with the police personals, she opposed and thereupon the police personals informed and shown about the order dated 19-06-2018 passed by the learned CGRF and thereafter she approached to the learned CGRF vide her letter dated 27-11-2018 praying for review of the order dated 19-06-2018, which was registered as case no 14/2018. Moreover, the appellant is ready to provide electric connection to the respondent no 3 subject to installation of sub-meter with clear instruction to pay electric bill timely through bank account, consumed by her. Therefore, under such circumstances there is no need for separate electric connection in premises in question. Thus under the aforesaid circumstances both impugned order is fit to set aside.

**16.** Refuting the contention advanced on behalf of appellant ,it has been submitted by the learned counsel for the Respondent no 3 that the learned CGRF appreciated the provision of clause 5.5.13of Supply Code Regulation accordingly the provision of connection to the individual applicant was granted and based its finding upon settled principle of law in following case:- (1) 2013(122) AIC478 (HC), (2)-2011 AIRSC2897, (3)-2010(1)JLJJHC 45,(4)-2016(160) AICGAU(HC) and (5)-2013(2) JBCJ406. The learned counsel has further supported the finding of the learned CGRF and submitted that so for the agreement in question dated 28-02-2013 is concerned because the paternal property was not partitioned and the registry was done before partition so question of the signature of Anil Jaiswal doesn't arise. It is also worth to mention here that no of the son except Anil Jaiswal ,is looking after her all day to today needs and the property which appellant claims to be her is a property illegally by doing fraud with the respondent no 3, registered in the name of the husband of the appellant . Lastly, it is submitted that review its order and as per the rule the review of the order in the Forum doesn't stand as such the order of the learned CGRF passed earlier was kept as it is as per the norms. Moreover, the respondent is about 80 years old lady and she is on the verge of her last life and most of time she is bed ridden and under medical treatment. However, respondent no 3 is not ready to again connect electric line with main meter by installation of sub-meter of the premises in question because the intention of the appellant lady is not good. So there is need of separate and independent electric connection.

17. The learned counsels appearing on behalf of respondent no 1&2 has simply submitted that they are always ready to comply the order of the Forum.

18. It will admit of no doubt that Respondent no 3 is the own mother-in-law of the appellant and Anil Jaiswal is her dewer .It is also admitted fact that entire dispute of electric connection had taken place after the death of the husband of the appellant. Admittedly, Anil Jaiswal being brother to the husband of the appellant has started to run mobile shop in shop in question during the life time of the husband of the appellant and was using electric supply connected with main meter of the house in question. It further appears that due to dispute of nonpayment of electric bill on due time, electric connection was disconnected by the appellant from the shop in question. It is admitted fact that appellant and respondent no 3 are residing separately in mess and business. It further appears that appellants claims to be owner of the house in question and denied the status of co-sharer of the Respondent no 3. Admittedly, this Forum has got no jurisdiction to decide the right, title and interest of the appellant and Respondent no 3 over the house premises in question and accordingly passed the order of electric connection in premises in shop in question.

19. It is relevant to mention at very outset that instant appeal has been preferred against two impugned judgement and order. Out of them first order dated 19.06.2018 was passed incase no 16/2017 and second order dated 01.08.2019 is being passed in review case no 14/2018.

20. Before entering in to the merit of the appeal, I would like to mention the relevant provision of the appeal before this Forum. As per clause 14 of the GUIDELINES FOR ESTABLISHMENT OF FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS AND ELECTRICITY OMBUDSMAN, REGULATION 2011- "*The Licensee or any consumer aggrieved by an order made by the Forum(s) may prefer an appeal against such order to the Electricity Ombudsman within period of thirty days from the date of the receipt of the order, in such form and manner as may be laid down in these Regulations.*

*Provided further that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of thirty days if sufficient cause is shown for not filing the appeal within that period ; but not exceeding a minimum period of sixty days from the date of receipt of the order.*

*Provided further.....*

*Provided further.....”*

Therefore, as per aforesaid provision, this Forum has got a limitation period of 30 days and further not exceeding a maximum period of 60 days from the date of receipt of the order to entertain an appeal.

**21.** In this appeal, the first order dated 19.06.2018 of the case no 16/2017, passed by the learned CGRF has been challenged. Instant appeal has been filed on 09-08-2019. It is submitted on behalf of the appellant that appellant has shown sufficient cause for not filing an appeal before this forum within prescribed period because she had already filed a review petition on 27.11.2018 before the learned CGRF vide case no 14/2018 against the said order. In this context I would like to refer principle of law laid down by the Hon’ble Jharkhand High Court on 25<sup>th</sup> April,2019 in W.P(C) No 4885 of 2017 M/s Santosh Ispat vs The State of Jharkhand and others, that para 7-“ *It is evident from the aforesaid provision that the Ombudsman has been conferred with the power to entertain an appeal if filed within a period of 30 days from the date of receipt of the order ,the said period of 30 days can be stretchable for a further period of 30 days but that period shall not exceed the maximum period of 60 days from the date of receipt of the order , meaning thereby ,the Ombudsman can entertain the appeal maximum if filed within a maximum of 60 days and as such if any appeal would be filed after period of 60 days, the Ombudsman will seize with the power to condone the delay it would be said to be exceeding the jurisdiction since not provided power to condone the delay even after expiry of the period of 60 days..It is not in dispute that the provision of clause 14 has been given legal shape in pursuance to the provision as contained under section 181 of the Electricity Act, 2003 and as such the provision as contained under clause 14 is having statutory force.*” Thus taking into consideration of the aforesaid principle of law as laid down by the Hon’ble Jharkhand High Court I do find and hold that the instant appeal filed against the first order dated 19.06.2018 in case no 16/2017 is hopelessly barred by limitation as provided under clause 14, as aforesaid, under Regulation 2011,

**22.** So for instant appeal regarding second order dated 01.08.2019 of the case no 14/2018, passed by the learned CGRF is concerned I do find on perusal of original case records of the learned CGRF that this case was instituted on 27.11.2018 before the learned CGRF for review of the order dated 19.06.2018 passed in case

no 16/2017 but the said case has been registered as misc. case. It is also relevant to mention at very outset at this juncture that while this second case was pending before the learned CGRF, appellant of this case had also preferred an appeal before this Forum vide EOJ/04/2019 against first impugned judgement and order dated 19.06.2018 ,passed in case no 16/2017.but on the date of admission of appeal a petition was filed by the appellant stating therein that she does not want to proceed further with that very appeal because she had already filed a review petition against the said impugned order before the learned CGRF, which is pending for disposal . Thus, taking in to consideration of the fact and also for ends of justice, the said appeal has been disposed of at admission stage with direction to TSL not to connect fresh electric connection in favour of Krishna Devi till final disposal of the said misc case.

**23.** It is pertinent to point out that after instituting case before the learned CGRF by the respondent no 3 being co-sharer of the premises,H,No,181 (house in question). A notice was issued by secretary-cum-office in charge of the CGRF to the appellant on 11-12 2017 against which it is submitted on behalf of the appellant that the notice dated 11-12-2017 does not contain the copy of the application filed by the respondent no. 3 and by the said notice a show cause was issued to the appellant as to why not the existing connection of the electricity in the entire premises be disconnected permanently and as such the notice dated 11-12-2017 itself is a defective notice resulting thereof the appellant did not submit any counter affidavit in case no. 16/2017 rather she has simply written a letter to Sri. Seth Chandra Jha, the secretary-cum-office in-charge of CGRF (TSL) which in no manner be treated as reply to the petition filed by the respondent no. 3 and as such the appellant has not been provided appropriate opportunity of hearing. I would like to mention the contents of notice in question as follows-

*“ as a co-sharer of the premises,H.No-181,line no 6,Kashidih Lease Area, Sakchi,Jamshedpur, you (or authorized representative ) are hereby informed to be present on 18/12/2017 at 11.30AM for hearing on the point of fresh electric connection in the premises of the applicant petitioner . It is further ,to mention here that ‘a connection of electricity has already been given in the premises and you have intentionally disconnected the electricity provided in the shop of the petitioner Smt Krishna Devi , you are required to submit a written*

*reply to this Forum, why not the exiting connection of electricity in the entire premise be disconnected permanently?”*

**24.** On perusal of the contents of notice, I do find that learned CGRF has given an opportunity to the appellant to submit a written reply and accordingly appellant had submitted her rejoinder on 18-12-2017, which is supported by the order sheet of the L.C.R. of the learned CGRF. Therefore it cannot be said that no opportunity was given to the appellant to file rejoinder before the learned CGRF and without giving an opportunity of hearing, an ex-party order was passed. Further I do find that learned CGRF has heard the parties and passed order. It cannot be said that this is an ex-party order.

**25.** It is also pertinent to mention at this juncture that before the learned CGRF, appellant has never expressed her desire to provide electric connection to the Respondent no3, subject to installation of sub-meter with condition to pay electric charges as consumed by her. Though, on 22-10-19, Sri. Pathak, the learned counsel for the appellant placed aforesaid proposal for settlement of complaint by agreement as per clause 23 of JSERC Regulations, but it was denied on behalf of respondent no. 3, resulting thereof the matter could not be settled amicably.

**26.** The principle of law laid down in the case of *Abhimanyu*, permitted the occupier to enjoy the electricity was in fact a fulfillment of the derived fundamental right under Article 21 of the Constitution of India. If right of residence comes within the ambit of Article 21 of the Constitution of India and a citizen has a right to reside and settle in any portion of India as provided under Article 19 (1) (e) of the Constitution, he has equally a right to enjoy the property in a most meaningful manner. In the case of *Chameli Singh vs State of U.P.*, Hon'ble Supreme Court had spelt out what was meant by "right to shelter" and had included electricity amongst others as part of that right. In such view of the matter, it has now become settled that even if a person lacks title in respect of any land or premises, he still cannot be deprived of electric connection provided he is in settled possession of the premises. An unauthorized occupier may most certainly be evicted by a person having better title by due process of law, but so long as he is in occupation of the premises his right to get electricity cannot be denied by the electricity authorities.

**27.** Sub-section (1) of Section 43 of the Electricity Act, 2003 is quoted herein -  
*"43. Duty to supply on request- (1) Save as otherwise provided in this Act, every*

*distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply*". These provisions in the Electricity Act, 2003 make it amply clear that a distribution licensee has a statutory duty to supply electricity to an owner or occupier of any premises located in the area of supply of electricity of the distribution licensee, if such owner or occupier of the premises applies for it, and correspondingly every owner or occupier of any premises has a statutory right to apply for and obtain such electric supply from the distribution licensee. In the judgement dated 14-08-2012 passed by Hon'ble Jharkhand High Court in WP(C ) No. 3679 of 2012, it was held -Indian Electricity Act, 2003- Section 43- Fresh electrical connection- There is no requirement of No Objection Certificate from owner of premises- Licensee has to provide supply of electricity to a person on an application- Person may be either owner or occupier of premises- Petitioner is occupier of premises as a tenant- Licensee cannot refuse application for electrical connection only on ground that owner has not given No Objection Certificate.

**28.** It is desirable to mention that as per Guidelines for establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman Regulation 2011, there is no provision for review either CGRF or Electricity Ombudsman. The only provision under clause 14 is appeal. Thus I do find and hold that appellant instead of preferring an appeal before this Forum, filed review petition before the learned CGRF, which is illegal and further entertainment of review petition by the learned CGRF is having without jurisdiction and is also illegal. However the learned CGRF has properly and meticulously considered the entire facts and circumstances of the case in proper perspective and coming to the finding that appellant after receiving notice appeared and filed her written version in the case no 16/2017 and there is no force in her argument that order dated 19-06-2018 has been passed without hearing . Hence there is no leg to stand on plea of the petition for allowing the review petition no 14/2018 and accordingly rejected.

**29.** Having considered the entire facts and circumstances of the case and principle of law laid down by the Hon'ble Apex Court and Hon'ble High Court, as discussed above, I do find that instant appeal, against the impugned order dated 19-06-2018, passed in case no 16/.2017 by the learned CGRF, is barred by limitation. So for as order dated 01-08-2019, passed in review case no 14/2018 is concerned, I do find that there is no provision of review under aforesaid

Regulation 2011 and the appeal against that very order is not maintainable. Moreover, the learned CGRF has properly considered the entire fact in proper perspective and coming to the right finding .In the result , it is therefore,

**ORDERED**

30. That the reasons stated above, I am of the opinion that there is no merit in this appeal. It is accordingly dismissed. Under the facts and circumstances of the case, the parties shall bear their own costs. Let a copy of this judgment and order be given to the concerned party and also to the learned CGRF along with lower case records of both cases.

Dated-28-11-2019.

Sd/-  
(Prem Prakash Pandey)  
Electricity Ombudsman

Dictated to the confidential Assistant, transcribed and typed by him, corrected and signed by me.

Dated-28-11-2019,

Sd/-  
(Prem Prakash Pandey)  
Electricity Ombudsman