**IN THE COURT OF OMBUDSMAN, ELECTRICITY PUNJAB,**

 **66 KV GRID SUBSTATION, PLOT NO. A-2,**

 **INDL. AREA, PHASE-I, S.A.S. NAGAR, MOHALI**

 **APPEAL NO.02/2013 Date of Order:09.04.2013**

SH.GANESH BEHL,

S/O L. SH. PYARE LAL BEHL,

G.M.P. FINISHING MILLS,

NEAR RAILWAY CROSSING NO. 22,

P.O. KHALSA COLLEGE,

AMRITSAR. ……………………………PETITIONER

 **ACCOUNT No. LS-11**

*Through*

 Sh. Ganesh Behl, Partner

 VERSUS

 PUNJAB STATE ELECTRICITY BOARD. …….….RESPONDENTS.

 *Through*

 Er. Manohar Singh

 Addl.Superintending Engineer,

 Commercial, East Division,

 PSPCL, Amritsar,

 Sh. Ashwani Kumar, Revenue Accountant

 Petition No. 02/2013 dated 05.02.2013 has been filed against order dated 06.03.2007 of the Grievances Redressal Forum (Forum) in case No. CG-01 of 2006 for upholding the charges of Rs. 1,13,037/- on account of un-authorised extension of load.

2. Arguments, discussions & evidences on record were held on 09.04.2013.

3. Sh. Ganesh Behl, attended the proceedings to present his case as petitioner. Er. Manohar Singh, Addl. Superintending Engineer, Commercial, East Division, PSPCL, Amritsar alongowith Sh. Ashwani Kumar, Revenue Accountant appeared on behalf of the respondent Punjab State Power Corporation Limited. (PSPCL).

4. The petitioner in its application dated 02.02.2013 submitted alongwith the petition, had made a request for condonation of delay stating therein that their petition for Rs. 1,13,037/- was decided by the Forum on 06.03.2007, which was received on 23.04.2007. The petitioner immediately filed an appeal before the then Board Level Review Committee (BLRC), Patiala on 26.04.2007 well within the limitation period. The BLRC in its memo No. 556 dated 13.03.2009 directed to file an appeal before the Court of Ombudsman. He further submitted that Appeal No. 13 in 2009 was filed in the court of Ombudsman which was dismissed on the sole issue that at that time number of cases indirectly related to the subject matter were pending in various judicial courts, which were not withdrawn before filing the appeal before this court. Thereafter, all cases were withdrawn but the respondents failed to confirm the withdrawal of cases. Necessary information was not provided by the respondents. Ultimately, the same was sought under the RTI Act-2005 and even appeal had to be filed before the State Information Commission, Punjab, Chandigarh. Now, the SDO West Division, Amritsar has issued a letter of confirmation regarding withdrawing the cases, a copy of which has been attached. Thus, late confirmation by the respondents caused delay in filing the appeal, which occurred inadvertently beyond their control. He prayed to condone the delay.

5. Er. Manohar Singh, Addl. S.E./Commercial on behalf of the respondents submitted that the petitioner has failed to file appeal against the order dated 06.03.2007 of the Forum within the stipulated period, rather he has opted to file the cases in the civil court and three No. Appeal cases are pending in the Session Courts and two Nos. appeal cases has been decided in favour of PSPCL. A copy of the order has been applied and is awaited. He further stated that no information was required to be sought by the petitioner, as the cases were filed by him and not by the respondents. He was well aware about the status of all cases filed by him in various judicial courts. At the time of filing of this appeal, even some more cases relating to the issue involved in the present appeal were pending in various courts. Therefore, the petition is again wrongly filed. As the petitioner failed to file the appeal within the stipulated period, and he has already availed opportunities before the ZDSC, the Forum and this office Appeal No. 13/2009 dated 04.02.2010, lower courts and Session Courts, therefore, his application for condonation of delay merits dismissal.

6. I have heard both the parties and perused the written submissions available on record. During the course of proceedings, the petitioner could not furnish complete details of all the cases filed before the various courts and having withdrawn those cases. No evidence was filed in this regard. In this view of the matter, the petitioner is given maximum period of 15 days to file an affidavit giving details of all the cases filed by him in various courts against PSPCL showing total number of cases, number of cases decided, number of cases withdrawn and number of cases pending till date. Evidence relating to withdrawl of cases should also be filed. The respondents are also directed to provide status report of pending four court cases as per their letter dated 27.11.2009 and the latest report on the other pending cases, if any. Accordingly, interim order is issued and the case shall be re-registered for further deliberations after receipt of required information.

 (Mrs. BALJIT BAINS)

 Place: Mohali. Ombudsman,

 Dated: 09.04.2013. Electricity Punjab,

. Mohali.