**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)

Phone no. 0172-2270234, 2270235 Fax: 2274576

**IN THE CASE OF REPRESENTATION OF M/S TATA TELE SERVICES, NEAR PATIALA RAILWAY LINE, HARBANS NAGAR, BHATINDA (A/C NO. GC-12 / 233 NRS)**

Appeal No: G-57 / 2016 Date of Order: 05.09.2016

**ORDER**

An application dated 31.08.2016, received from M/S **TATA TELE SERVICES, NEAR PATIALA RAILWAY LINE, HARBANS NAGAR, BHATINDA (A/C NO. GC-12 / 233 NRS)**  informing that the Forum has refused to condone the delay and to adjudicate their dispute case vide its letter no: 1257 / T – 104 / 2016 Dated 29.07.2016 and requesting for issuance of directions to the CGRF to register the case of the petitioner after condoning the delay and to 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 an NRS category connection with sanctioned load of 30 KW having A/c No: GC - 12 / 233 / NRS under Commercial Sub Divisin-1, PSPCL, Bhatinda. The connection of the Petitioner was checked by MMTS on 14.05.2015 wherein it has been alleged that the meter was found running slow by 87%, however, after checking in ME Lab on 03.12.2015, the meter was declared slow by 31.85%, which is clear contradiction to the earlier checking dated 14.05.2015. Respondents vide notice dated 29.12.2015 directed the Petitioner to deposit an amount of Rs. 7,10,190/- due to difference of reading shown in checking report dated 14.05.2015 and billing done earlier. An appeal was filed in ZDSC which vide its order dated 25.04.2016 decided the case on the basis of assumption that the reading of the meter has been accumulated from 10 / 2014 to 05 / 2015. Being not satisfied with the decision of ZDSC, an appeal was filed in the CGRF (Forum) which observed that the appeal has not been filed within the stipulated period of two months as per CCHP and thus refused to register the case being time barred. The petitioner has further mentioned that as he was not fully aware about the redressal procedure and the Petitioner Company was under impression that the limitation for filing an appeal against the decision of ZDSC is 90 days and therefore the appeal was presented to the Forum before the expiry of 90 days. As the delay in filing appeal is not deliberate, the Petitioner is required to be provided an opportunity to be heard and seek justice on the merits of the case.

On scrutiny of available documents, it transpires that the Forum has not given speaking order while rejecting the appeal of the Petitioner on the ground of delay in filing the appeal. In my view, the rejection of appeal mere on the grounds of delay in filing the appeal does not meet the ultimate end of justice. 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: 5th of September 2016.

(MOHINDER SINGH)

Ombudsman, Electricity Punjab,

Mohali.