

(2011) 04 PAT CK 0279
In the Patna High Court
Case No : CWJC No. 2053 of 2010

Chandra Mohan Sharma

APPELLANT

Vs

The Bihar State Electricity

RESPONDENT

Date of Decision : 19-04-2011

Acts Referred:

Electricity Act, 2003 — Section 43(3)

Citation : (2011) 59 BLJR 3329 : (2011) 3 PLJR 148

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Judgement

Navin Sinha, J.—Heard Learned Counsel for the Petitioner and for the Bihar State Electricity Board (hereinafter referred to as the Board).

2. The Petitioner is stated to be the husband of Ram Dulari Sharma, who has been deceased.

3. The latter had applied for an electric connection in her name. Before it could be granted, an F.I.R. came to be lodged for unauthorized consumption of electricity contrary to law. The deceased moved the Consumer Grievance Redressal Forum in Dispute Case No. 80 of 2008 (hereinafter referred to as the C.G.R.F.) in context of her pending application for grant of an electric connection. The C.G.R.F. passed certain orders and gave directions. Aggrieved by the nature of the directions, the deceased sought to approach to the Regulatory Commission. The grievance is that it was not entertained. Learned Counsel submits that the extent of relief granted by the Forum for the delay in providing an electric connection was not fully in consonance with the law. The Regulatory Commission has denied acceptance of the petition. The Petitioner has no option but to approach this Court.

4. Learned Counsel for the Board submits that the proper remedy for the Petitioner was to approach to the Ombudsman u/s 43(3) of the Electricity Act, 2003, if aggrieved by the order of the C.G.R.F. It is next submitted that the order

of the C.G.R.F. was a nullity having, been made in favour of a dead person as the original applicant was deceased during the pendency of the proceedings before the C.G.R.F. and not substituted. If the Petitioner desires connection on the same premises being the husband of the deceased, he shall also have to bear all the liabilities arising out of events that may have taken place on the premises in question.

5. Since the matter is being referred to the Ombudsman, the Court does not consider it proper to express any opinion on the merits of the matter insofar as the respective claims are concerned lest it prejudice either of the parties. All issues of facts and law are therefore left open to decision by the Ombudsman who shall proceed to determine the same in accordance with law. If the Petitioner files such application before the Ombudsman within two months from today, let the same be considered and disposed of preferably within a maximum period of four months from the date of receipt/production of a copy of this order.

6. The application stands disposed.