
(2016) 04 AHC CK 0052
In the Allahabad High Court
Case No : Writ Petition No. 15039 of 2016.

Kanti Devi

APPELLANT

Vs

U.P.P.C.L. and Others

RESPONDENT

Date of Decision : 06-04-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Electricity Act, 2003 — Section 135

Citation : (2016) 5 ADJ 210 : (2016) 118 ALR 82

Hon'ble Judges : Pankaj Mithal, J.

Bench : Single Bench

Advocate : Krishna Dutt Tiwari, Advocate, for the Appellant; Suman Kumar Yadav, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Pankaj Mithal, J. - Heard Sri K.D. Tiwari, learned counsel for the petitioner.

2. The petitioner is aggrieved by the order dated 22.12.2015 passed by Consumer Grievance Redressal Forum/Vidut Upbhokta Vyatha Niwaran Forum, Kanpur and the appellate order dated 17.03.2016 passed by Vidyut Lokpal/Electricity Ombudsman dismissing the appeal thereto.

3. The grievance of the petitioner was rejected by the Forum and the appeal thereto was dismissed by the Ombudsman for the reason that the grievance of the petitioner was in relation to theft of the electricity which is excluded from the jurisdiction of the Forum and consequently from that of the Ombudsman.

4. The argument of the learned counsel for the petitioner is that during checking as per the checking report, no theft of electricity was found and, therefore, the authorities have committed an error in holding that the grievance of the petitioner is in relation to theft of electricity.

5. The electricity connection of the petitioner was checked and the checking report dated 20.06.2015 was submitted. On the basis of the said checking report

an assessment order was passed on 25.06.2015 in which it was clearly stated that the petitioner was found using electricity in unauthorised manner. The assessment order states that "vkids mijksDr ifjlj esa dfV;k }kjk ?kjsyw fo/kk esa pksjh ls fo|qr dk iz;ksx ik;k x;kA"

6. It is against the aforesaid order of assessment that the petitioner had raised grievance before the Forum. The grievance was not against the checking report.

7. The Uttar Pradesh Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007 vide regulation 5.0 provides that the forum shall not entertain complaints if it relates to matters mentioned inter alia amongst others in Section 135 of the Electricity Act, 2003. It means that the Forum has no jurisdiction to entertain any grievance with regard to matters falling under Section 135 of the Act which pertains to theft of electricity.

8. The petitioner as described above had raised grievance against the assessment on account of theft of electricity.

9. In view of the above, the grievance of the petitioner was in relation to matters mentioned in Section 135 of the Act, which is excluded from the jurisdiction of the Forum and consequently the Electricity Ombudsman.

10. Accordingly, no illegality has been committed by the Forum or the Electricity Ombudsman in refusing to entertain the grievance of the petitioner and in passing the impugned order.

11. The writ petition is devoid of merit and is dismissed.