

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 117 of 2007

Dated: November 5, 2007

Present: **Hon'ble Mr. Justice Anil Dev Singh, Chairperson**
Hon'ble Mr. H.L. Bajaj, Technical Member

Himachal Pradesh State Electricity Board **- Appellant(s)**
Shimla

Versus

1 M/s. Emm Tex Synthetics Ltd.
Jagat Khana, Nalagarh,
Tehsil Nalagarh, Dist. Solan
Himachal Pradesh – 174101

2 Himachal Pradesh Electricity Regulatory Commission
Keonthal Commercial Complex,
Khallni, Shimla _ 171 002

-Respondent(s)

Counsel for the Appellant(s) : Ms. Swapna Seshadri

Counsel for the Respondent(s) : Mr. Ankur Jaitly & Mr. O.C. Sharma for Resp.1

ORDER

The Himachal Pradesh State Electricity Regulatory Commission by the impugned order overruled the preliminary objections raised by the appellant to the petition filed by the first respondent herein. One of the preliminary objection was that the dispute raised by the first respondent was not entertainable as the dispute raised in the petition was an individual dispute of a consumer and the Commission had no jurisdiction to go into such a dispute.

The Hon'ble Supreme Court in *Maharashtra Electricity Distribution Co. vs. Lloyds Steel Industries 2007 (10) SCALE 289* has ruled that an

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Individual dispute of a consumer has to be raised before the forum envisaged by Section 42 (5) of the Electricity Act, 2003, and not before the Regulatory Commission. In this regard, the Supreme Court held as under:

“The Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2003 (hereinafter referred to as “2003 Regulations”) and created Consumer Grievance Redressal Forum and Ombudsman. Under these 2003 Regulations a proper forum for redressal of the grievances of individual consumers has been created by the Commission. Therefore, now by virtue of sub-section (5) of Section 42 of the Act, all the individual grievances of consumers have to be raised before this forum only. In the face of this statutory provision we fail to understand how could the Commission acquire jurisdiction to decide the matter when a forum has been created under the Act for this purpose. The matters should have been left to the said forum.

In this view of the matter, the appeal is allowed and the impugned order passed by the Regulatory Commission is set aside. It will be open to the first respondent to work out its remedies under law.

(H.L. Bajaj)
Technical Member

(Anil Dev Singh)
Chairperson

Dt: 5.11.2007