

COURT - I

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

DFR No. 164 (A) OF 2010

Dated: 28th May, 2010

Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

**CONSUMER PROTECTION & WELFARE
COMMITTEE (NGO)**

For the Petitioner (s) : Mr. Avijeet Kumar Lala & Mr. Vishal Anand for
Amicus Curiae Counsel
Mr. Shashi Bhushan Mishra (Rep.)
For the Respondent(s) : Mr. Sanjay Singh with
Mr. Arun Kr. Srivastava, Sec., UPERC &
Mr. Vikas Chandra Agarwal, Dir. UPERC

ORDER

Today, the Secretary of the Commission is present and is being represented by Mr. Sanjay Singh, the learned counsel, and an affidavit has been filed by the Chairman of the Commission giving the details of the pendency of the cases.

In the affidavit it is stated that so far 44 complaints have been received, out of which, 12 petitions have been disposed of; in 4 petitions suitable directions have been given to the Utilities; in 21 cases the parties have gone to the High Court and the matters are pending; in 6 cases the hearing has been held on 25.05.2010 and

Orders are reserved and another 1 matter is pending and the issue in that matter is regarding jurisdiction.

Mr. Avijeet Kumar Lala, the Amicus Curiae counsel, after getting instructions from the Complainant, who is present before this Tribunal, submits that apart from 44 cases there are some other cases, which also have been filed by them and the same have not been disposed of.

The Secretary of the Commission is directed to collect those information from the Complainant and try to dispose of those cases also without any further delay.

The chart which has been given in the affidavit filed by the Chairman would show that the Petitions have been pending before the Commission for a long time and the same have been disposed of after a delay of several months and years.

Therefore, the Commission is directed to dispose of the similar Applications in future whenever they are filed as expeditiously as possible without causing any delay. When the Consumers are not able to get the fruits of the Order passed by CGRF or Ombudsman, the Commission, which has got the

supervisory power, would certainly entertain the Applications and give suitable directions to the Utilities. The Commission should entertain the grievances expressed by the Consumers and try to redress their grievances as expeditiously as possible.

One more grievance expressed by the Complainant is that the CGRF, which has been established, has not become functional. But the learned counsel for the Commission would submit that out of 20 CGRF, 17 CGRF are functional and the advertisement has been published to fill up the vacancies in other 3 CGRF posts and the process is going on.

The Commission is directed to continue the process and complete it without any further delay.

Another grievance expressed by the Complainant is with regard to the publication of the information in respect of level of performance as contemplated under Section 59 of the Electricity Act. In the affidavit, the Commission has stated that out of 6 licensees, 4 licensees have submitted the Report in pursuance of Section 59 of the Act and the Commission periodically reminds the other two licensees to give the report. It is submitted by

Mr. Sanjay Singh, the learned counsel, that the Reports already obtained from the four licensees have been published and that they will take steps to get the other Reports from the other two licensees published.

Accordingly, the Commission is directed to ensure that all the licensees are submitting the Reports periodically and the same are to be published by the Commission as mandated under Section 59 of the Act.

With these observations, the Complaint is disposed of.

Mr. Avijeet Lala, the Amicus Curiae counsel, has done his duty sincerely. So, we record our appreciation for his services rendered. He is entitled to a Amicus Curiae fee of Rs.5,000/- for the assistance rendered from the Registry. The Registry is directed to hand over the cheque for Rs.5,000/- to the counsel.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson