

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Appeal No-265 of 2026

Date of Hearing: 21.05.2026
Mode: Videoconferencing
Date of Order: 25.05.2026

In the matter of
Mr. Abhishek Malhotra,
Sector 33,
Chandigarh.

...Appellant

Versus

Executive Engineer,
Electricity 'OP' Division No. 3,
CPDL, Chandigarh.

...Respondent(s)

In the matter of Mr. Abhishek Malhotra, Vs Chandigarh Power Distribution Ltd.

Present:

Appellant

1. Mr.Nayan Jyoti Rajbangshi GM IOC
2. Mr Aditya Shrivastava

Respondent(s)

- A. Mr. Dhruv Shakuntlam, Sr. Executive Legal. CPDL
- B. Mr Ankush Sethi Executive Engineer, OP Division-3, CPDL
- C. Mr Chandan Dhar, Sr. Manager, Meters



ORDER

The present representation has been instituted on 29.04.2026 under Section 42(6) of the Electricity Act, 2003 read with Regulations 35 and 36 of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2024, pursuant to the liberty granted by the Hon'ble High Court of Punjab and Haryana in CWP No. 8170 of 2026 titled *Indian Oil Corporation Versus Union Territory, Chandigarh & Ors.*, decided on 20.04.2026.

While disposing of the aforesaid writ petition, the Hon'ble High Court observed as under:

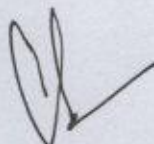
“The petitioner approached Consumer Forum constituted under Section 42(5) which partially redressed its grievance. The petitioner did not avail remedy to approach Electricity Ombudsman as provided under Section 42(6). The said remedy is an efficacious remedy. This Court does not find appropriate to invoke its jurisdiction under Article 226 of the Constitution of India especially when petitioner had availed remedy under Section 42(5) of 2003 Act. The petitioner is relegated to Electricity Ombudsman. If it files appeal/representation within two weeks from today, the respondent shall not take coercive steps till the date of filing appeal and first date of hearing by Electricity Ombudsman.”

In pursuance of the aforesaid directions, the present representation came to be filed by the Appellant through its Authorized Representative on 29.04.2026.

Upon scrutiny of the representation and the documents annexed therewith, and being satisfied that the same fulfilled the procedural requirements prescribed under the applicable Regulations, the representation was admitted vide order dated 30.04.2026. Notice was accordingly issued to the Respondent–Executive Engineer, Electricity ‘OP’ Division No. 3, Chandigarh Power Distribution Ltd., Chandigarh, directing submission of reply/comments along with the relevant record.

In response thereto, the Sr. Executive (Legal) appearing on behalf of the Respondent produced certain documents including meter reading data and Inspection Report bearing IR No. 039/005 dated 15.07.2025 and submitted that detailed reply/comments on behalf of the Respondent would be filed separately.

During the pendency of the present proceedings, this Authority, while dealing with another matter involving substantially similar issues concerning applicability of multiplying factor (MF) and consequential retrospective recovery, came across the



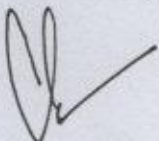
judgment dated 23.04.2026 passed by the Hon'ble High Court of Punjab and Haryana in CWP No. 38170 of 2025 (O&M) titled *Ms. Gulpreet Kaur Bedi & Ors. Versus Union Territory of Chandigarh & Ors.*, wherein certain findings came to be recorded with regard to retrospective recovery on account of applicability of multiplying factor (MF). Subsequently, it has been brought to the notice of this Authority that the operation of the aforesaid judgment dated 23.04.2026 has been stayed by the Hon'ble Division Bench in LPA No. 1408 of 2026 (O&M) titled *Chandigarh Power Distribution Ltd. & Ors. Versus Gulpreet Kaur Bedi & Ors.* vide order dated 15.05.2026 till 23.07.2026.

This Authority has carefully considered the record presently available as well as the legal position emerging from the proceedings pending before the Hon'ble High Court. It is observed that the controversy involved in the present representation substantially overlaps with the issues presently engaging consideration before the Hon'ble Division Bench in the aforesaid LPA. The principal issues arising in the present matter, namely applicability of multiplying factor (MF), permissibility and extent of retrospective recovery, and consequential assessment of dues, are directly connected with and dependent upon the adjudication presently pending before the Hon'ble High Court.

It is also pertinent to note that while passing the order dated 15.05.2026 in LPA No. 1408 of 2026 (O&M), the Hon'ble Division Bench has taken note of the fact that in CWP No. 8170 of 2026 the petitioner therein had been relegated to avail the statutory remedy under Section 42(6) of the Electricity Act, 2003, whereas in CWP No. 38170 of 2025 (O&M), objections raised in relation to maintainability and adjudication of substantially similar issues came to be dealt with differently. Thus, the legal issues involved are presently engaging consideration before the Hon'ble High Court in a broader perspective and are yet to attain finality.

At present, the judgment dated 23.04.2026 passed in CWP No. 38170 of 2025 (O&M), which is being relied upon in matters involving similar controversy, has itself been stayed by the Hon'ble Division Bench. In such circumstances, adjudication on merits by this Authority at this stage may result in avoidable multiplicity of proceedings and may also give rise to inconsistency with the final adjudication rendered by the Hon'ble High Court.

Judicial propriety, institutional discipline, and the necessity to maintain consistency in adjudication therefore warrant that this Authority refrains from rendering findings on the merits of the controversy while the matter remains sub judice before the Hon'ble High Court of Haryana and Punjab.



This Authority is not declining the jurisdiction vested under Section 42(6) of the Electricity Act, 2003. However, considering the pendency of substantially identical issues before the Hon'ble High Court and the interim orders operating therein, this Authority considers it appropriate, in the interest of judicial consistency and orderly administration of justice, to defer further adjudication in the present matter at this stage. Accordingly, without expressing any opinion on the merits of the rival claims and contentions of the parties, and considering that substantially identical questions are presently engaging consideration before the Hon'ble High Court in LPA No. 1408 of 2026 (O&M), further proceedings in the present representation are deferred sine die at this stage.

The present representation shall remain liable to be revived/restored upon appropriate application being filed by either party after vacation, modification, or final adjudication of the interim order passed in LPA No. 1408 of 2026 (O&M), whereupon the matter shall be proceeded with in accordance with law keeping in view the final adjudication rendered by the Hon'ble High Court.

It is further directed that, in the peculiar facts and circumstances of the case, coercive recovery in respect of the disputed demand forming subject matter of the present representation shall remain deferred during continuance of the interim order passed by the Hon'ble High Court in LPA No. 1408 of 2026 (O&M), subject to the Appellant continuing to regularly pay the current electricity consumption charges and all other undisputed dues within the prescribed period.

It is clarified that the protection granted herein is confined only to the disputed demand involved in the present proceedings and shall not extend to current consumption charges or any other undisputed dues payable by the Appellant.

It is further clarified that in the event of default in payment of current electricity consumption charges or other undisputed dues by the Appellant, the protection granted under the present order shall automatically cease to operate without any further orders from this Authority, and the Respondent shall thereafter be at liberty to proceed in accordance with law.

The deferment of proceedings under the present order shall be without prejudice to the rights and contentions of either party. It is further clarified that the period during which the present proceedings remain deferred shall stand excluded for the purposes of limitation, if any occasion for revival/restoration arises in future.

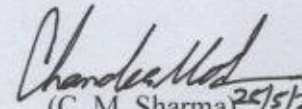
The parties are left to bear their own costs.



The parties are left to bear their own costs.

Ordered accordingly.

Dated 25.05.2026


(C. M. Sharma) 25/5/26

Ombudsman (JERC)