

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Syuzanna Ansari,
W/o Shri Nawab Ansari,
R/o Flat No. 311, 1st Floor,
Race Course Valley, Race Course
Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Central),
Uttarakhand Power Corporation Ltd.
18 E.C. Road, Dehradun,
Uttarakhand

Representation No. 03/2025

Award

Dated: 30.04.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) dated 19.12.2024 in complaint no. 71/2024 by which Ld. Forum has dismissed the complaint of appellant Smt. Syuzanna Ansari, W/o Shri Nawab Ansari, R/o Flat No. 311, 1st Floor, Race Course Valley, Race Course, Dehradun, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Central), Uttarakhand Power Corporation Ltd., 18 E.C. Road, Dehradun, Uttarakhand (hereinafter referred to as respondent).

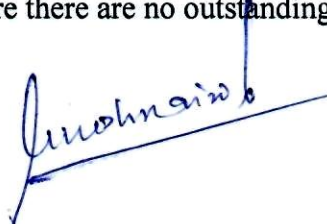
2. The petitioner, Smt. Syuzanna Ansari, W/o Shri Nawab Ansari has preferred the instant petition on being aggrieved with the Forum's order referred to above, for the relief sought by means of the instant appeal to set aside/ quash the impugned Forum order or/ and to pass any suitable order as may be deemed fit by the Hon'ble Ombudsman in the circumstances of the appeal. The appeal has been preferred to challenge impugned order on the following grounds:-

Grounds

- A. The impugned order is against the material available on record.

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- B. The order is passed without assigning any reason and totally based on presumption.
- C. A new electricity connection was applied for at her premises as an occupier as per provisions of Sub regulation 3.3.2 (4) (a)(i) of UERC Regulation 2020.
- D. There was a connection on the name of her husband with service connection no. CD77515222132. Bills for the above connection were not being paid from April, 2023.
- E. The total dues against the said connection have amounted to 7391.00 till 06.02.2024 so the aforesaid connection was temporarily disconnected by UPCL on 22.03.2024.
- F. Since then she has been living without electricity. She had tried to get a new connection but respondent were asking for a number of documents illegally (like NOC from the owner etc.) while such documents are not mandatory under UERC regulation, 2020.
- G. Because electricity is the basic necessity for a living being and Hon'ble Supreme Court in its various judgments has also held that right to Electricity is a basic human right.
- H. Because even there is a sub clause which provides that after paying three times security connection can be provided to an applicant in accordance with UERC Regulation, 2020.
- I. Because the appellant had applied for electricity connection but respondents have denied accepting the application and even did not give any receiving to her. The respondent is adamant to ask for NOC from the appellant's husband without any valid reason.
- J. Because at the time of submission of application for new connection, she has supplied sale deed of the property which is in the name of her husband but even thereafter the respondent has denied granting the electricity connection to her.
- K. Because UPCL officials are trying to delay connection intentionally and are also not giving any correct information to her.
- L. She has also cleared all the outstanding dues against the aforesaid connection on 24.08.2024 as asked for by officials that a new connection can only be issued in a premises where there are no outstanding dues.



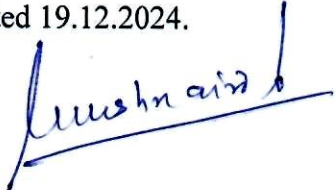
- M. There are not outstanding dues on the premises till application for a new connection was submitted but the application has not been processed by officials.
- N. Because the appellant is the legally wedded wife of Shri Nawab Ansari and has been married to him since 26.11.2008.
- O. Shri Nawab Ansari had purchased the premises with the part financial assistance by her vide sale deed dated 23.12.2009 which is duly registered in office of 2nd Sub Registrar, Dehradun in book no. 1, Volume II, 901 in Page no. 237 to 319 as document no. 7456 on 30.12.2009.
- P. Because out of wedlock two daughters are vegottel to the appellant and her husband and due to nonpayment of dues by the husband the appellant and her daughters suffers grave injury whenever they reside at their house under reference.
- Q. Because even the Principal Judge Family Court, Dehradun vide its order dated 24.08.2024 passed in O.S. No. 964 of 2024 has found the appellant to be in possession of the premises and had directed the husband not to create any third party rights in the property and through temporary injunction has restricted him not to dispose the appellant from premises.
- R. Because she is also ready to deposit three times security. However, it is important to note that copy of the sale deed itself implies that the wife has all equal rights in the properties of the husband viz therefore fulfills the condition of UPCL and even the learned Family Court, Dehradun has accepted that the applicant is in possession.
- S. Because the appellant is living without any electricity connection and the same is causing grave injury to her as there are also high chances of theft in the property.

Prayer

In the premises aforesaid, it is prayed that the Hon'ble Ombudsman may kindly be pleased to set aside/ quash the impugned order dated 19.12.2024 passed by the Forum in her complaint no. 71/2024 and order to provide electricity connection as expeditiously as possible to the appellant as she has been living without electricity for a long time. A copy of notarized affidavit has also been submitted by the appellant.

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3. After hearing both parties and perusal of records available on file and relying upon opposite parties report the Forum was convinced that a connection no. CD77515222132 is already existing in the premises Flat no. 311, 1st Floor, Race Course and the same is alive. The Forum was of the view that on technical grounds more than one connection cannot be given in a premises. So, the Forum was of the opinion that the complaint is liable for dismissal and they have accordingly dismissed the complaint no. 71/2024 of Smt. Syuzanna Ansari, vide their order dated 19.12.2024.
4. The respondent, Executive Engineer has submitted his written statement dated 13.02.2025 along with a notarized affidavit. Pointwise replies have been submitted as follows:-
- i. The appellant did visited SDOs office along with an application for a new connection, Since NOC from owner of the premises was not attached with the application, she took away the application in original with her. Documents as required to be submitted along with an application for a new connection as per provisions under UERC Regulation, 2020 has been mentioned in the written statement.
 - ii. The appellant Smt. Syuzanna Ansari had preferred a complaint no. 71/2024 dated 02.09.2024 before CGRF Dehradun regarding non-release of connection to her. It was submitted before the Forum that a connection no. CD77515222132 already exists in the premises in the name of Shri Nawab Ansari, husband of Smt. Syuzanna Ansari which is lying disconnected from 01.03.2024 for nonpayment of electricity dues.
 - iii. The consumer deposited the outstanding dues on 24.08.2024, so connection of Shri Nawab Ansari was re-connected and at present supply is duly restored in the premises of the consumer.
 - iv. The Forum was informed that a connection no. CD77515222132 already exists in the premises where new connection has been applied and is in running condition and due to peculiar position of the premises it was not possible to give 02 connections in the same premises where a connection is already in existence so the connection applied for cannot be given.
 - v. The Forum after perusal of records and hearing arguments dismissed the complaint vide order dated 19.12.2024.

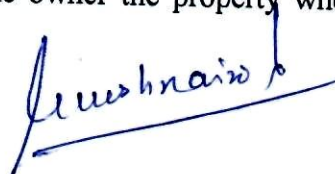


- vi. Consumer billing history, payment details, ledger, copy of bill of the existing connection as aforesaid of Shri Nawab Ansari has been enclosed with the written statement.
5. The appellant has submitted a rejoinder dated 24.03.2025 along with affidavit. Pointwise reply has been submitted as follows:-
- i. The instant appeal has been preferred against Forum order dated 19.12.2024 passed in her compliant no. 71/2024.
 - ii. The appeal is for the relief sought to set aside/ quash the Forum above referred order.
 - iii. Contents of para 1 of WS is not admitted and in reply there of it is submitted that it's a false content that appellant is not the owner of the property where connection has been sought. The appellant is the wife of Shri Nawab Ansari. A copy of the judgment of Family Court, Dehradun passed in O.S. no. 964/2024 dated 24.08.2024 has been filed with the appeal to show that the appellant is a legal occupier of the premises. So a connection should be granted to her after depositing three times security.
 - iv. As regards para 2 of WS being a matter of record do not need specific comments.
 - v. Para 3, 4, 5 and 6 of WS are not admitted. Outstanding dues against the existing connection had duly been paid on 24.08.2024.
 - vi. The petitioner has quoted Ombudsman's order dated 09.02.2023 passed in case no. 41/2022 of Smt. Mohini Rana vs Executive Engineer, UPCL, contents of the order are reproduced and the copy thereof has been adduced. By virtue of the aforesaid order, she has claimed that connection to her cannot be denied and the same has to be given.
 - vii. Electricity being a basic necessity in terms of Hon'ble Supreme court's judgment and it is a basic human right.
 - viii. The UPCL officials are trying to delay the connection intentionally and are also not giving any correct information to the appellant.
 - ix. That the appellant has also cleared all the outstanding dues against existing connection on 24.08.2024 on instruction of UPCL officials that a new connection can only be given when there was not dues outstanding on the premises, thus she was also ready to deposit three times security further she

Mohini Rana

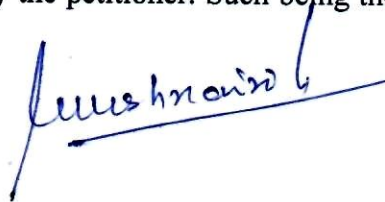
has submitted that the copy of the sale deed itself implies that wife has all equal rights in the property of her husband which therefore fulfills UPCL conditions and even the Family Court Dehradun has accepted that applicant is in possession of the premises.

- x. The appellant is living without electricity connection which is causing grave injury to her and there are also high chances of theft in the property.
 - xi. As due to some urgent work she has gone out of India so the counsel for the appellant was unable to provide an affidavit and pray for exemption of the same in the interest of justice.
 - xii. It is therefore prayed before the Hon'ble Ombudsman to kindly take the present rejoinder application on record.
6. Documents and records available on file has been perused. Counter arguments from both parties were heard, on the scheduled date of hearing dated 09.04.2025. Facts of the case are that Smt. Syuzanna Ansari, W/o Nawab Ansari residing in flat no. 311, 1st Floor, Race Course Valley, Dehradun with her family, where a connection no. CD77515222132 under domestic category in the name of Shri Nawab Ansari, husband of Smt. Syuzanna Ansari, the petitioner in the instant case, already existing which was temporarily disconnected on 01.03.2024 for nonpayment of dues and after payment of outstanding dues on 24.08.2024 the supply to the said connection was restored.
7. The petitioner applied for a domestic connection in the same premises where aforesaid connection already exists, on 25.08.2024. The connection was withheld and not given by the respondents on the grounds that since a connection in the same premises under the same category i.e. domestic already exists in the name of her husband so, the connection applied for by the petitioner cannot be given. Being aggrieved she preferred a complaint before the Hon'ble Forum registered as complaint no. 71/2020. The complaint was dismissed by the Forum vide its order dated 19.12.2024 on the grounds that a connection no. CD77515222132 already exists in the same premises. So, another connection in the same premises cannot be given on technical grounds.
8. The petitioner inter alia has contested her case that being wife of the holder of existing connection she stands the owner the property where she has applied for a



connection. Further in her rejoinder she has mentioned that she is wife of Shri Nawab Ansari in support she has filed a copy of Family Court's order dated 24.08.2024 filed in case O.S. No. 264 of 2024 wherein the Hon'ble Court has granted an order in favour of the appellant for residing in the property and by virtue of that order also the petitioner is a legal occupier of the premises where she has applied for a new connection.

9. The petitioner has also referred Ombudsman order dated 09.02.2023 passed in petition no. 41/2022 of Smt. Mohini Rana in which case the Ombudsman has passed the said order in favour of the petitioner holding that denial or withholding of release of connection to the petitioner Smt. Mohini Rana in the instant case is unjustified being inviolation of relevant regulations and has directed the respondent to release the connection expeditiously to the petitioner Smt. Mohini Rana and thus the petitioner in the instant case Smt. Syuzanna Ansari has agitated that being a similar case order should be issued by the Ombudsman for releasing her connection. With regard to this case law it is clarified that facts and circumstances of the case of Smt. Mohini Rana (41/2022, order dated 09.02.2023) being different than the instant case of Smt. Syuzanna Ansari so, the ratio decidendi that was applied in the case of Smt. Mohini Rana is not applicable in the instant case of Smt. Syuzanna Ansari because in the quoted case of Smt. Mohini Rana the connection was applied for in a separate portion of the premises which was occupied by her, while in the instant case new connection has been applied for by the petitioner Smt. Syuzanna Ansari in the same premises where a connection no. CD77515222132 in the name of her husband Shri Nawab Ansari is already existing and is in alive condition.
10. Further petitioner's plea that she is entitled to get a connection under Section 43 of Electricity Act, 2003 and as held by the Hon'ble Supreme Court in a number of cases electricity being the essential amenity, any person cannot be deprived from this facility. It is clarified that her submission is false because a connection as mentioned above in the name of her husband is already existing in the same premises and is alive so, she along with her family is already enjoying the facility of electricity and her plea does not sustain.
11. In view of above discussions and clarifications, the respondents are justified in not releasing the connection applied by the petitioner. Such being the case the Forum has

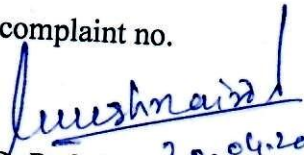


rightly dismissed complaint no. 71/2024 of Smt. Syuzanna Ansari vide their order dated 19.12.2024 and the same is liable to be upheld and the petition for the reasons and clarifications explained above is also liable to be dismissed.

Order

The petition is dismissed and Forum's order dated 19.12.2024 passed in complaint no. 71/2024 is upheld.

Dated: 30.04.2025


(D. P. Gairola) 30.04.2025
Ombudsman

Order signed dated and pronounced today.

Dated: 30.04.2025


(D. P. Gairola) 30.04.2025
Ombudsman