

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri R. N. Trehan
Chandralok, Near Vanprasth Ashram,
Near Ujjivan Small Finance Bank,
Jwalapur, Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Jwalapur, Haridwar, Uttarakhand

Representation No. 19/2022

Order

Dated: 30.06.2022

Being aggrieved with non compliance of Consumer Grievance Redressal Forum, Haridwar Zone (hereinafter referred to as Forum) order dated 21.03.2022 in his complaint no. 09/2022, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Jwalapur, Haridwar (hereinafter referred to as respondent) Shri R. N. Trehan, Chandralok, near Vanprasth Ashram, near Ujjivan Small Finance Bank, Jwalapur, Haridwar has preferred this appeal for shifting the panels.

2. The petitioner has submitted that his wife Mrs. Sushila Trehan is a consumer of UPCL with connection no. JW20522128043 and the petition is filed by him on behalf of his wife. He has submitted that 2 electric panels have been installed in front of his property. At the time of installation of these panels he was promised by the department officials that no more than 1 electric panel shall be installed in front of a property, but it was found that both the panels were installed right in front of his property. He was also told by the staff that they will ensure that the bigger panel will be installed on the border of the two properties. They wanted to install 2 more electric panels (that would have made the total 4) in front of his property and for which they had already made 2 cavities in the ground. This is unfair and against the principles of natural justice as he was not vaccinated for the covid-19 during the installation of

electric panels, his public interaction was limited so he registered his objection through the online mode on 30.12.2020 well before the electricity was started through these panels. Having received no solution of his problem from the department he approached to Forum with the aforesaid complaint and the Forum dismissed his complaint vide their order dated 21.03.2022, hence this petition before the Ombudsman for getting his grievance redressed.

3. The Forum after perusal of records and hearing parties concluded that shifting of electric lines/poles/equipments is beyond Forum's jurisdiction in terms of sub regulation 3.1(5) of UERC (Guidelines for Appointment of Members and Procedure to be Followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2019, which reads as "The Forum shall not entertain any grievances pertaining to shifting of electric lines/poles/equipments." As such the Forum dismissed the complaint being out of their jurisdiction.
4. The respondent Executive Engineer has submitted a written statement dated 23.05.2022 along with an affidavit. The respondent Executive Engineers has inter alia has submitted that the panels under question were installed on PWD land on the road side and these are away from petitioner's property and these panels are not likely to create any problem to the petitioner or to the traffic but he is by any hook or crook asking for shifting of these panels. These panels were installed in accordance with safety standards and there is no possibility of any harm to anybody. Further he has stated that the panels have been installed by the department under the powers delegated under Indian Telegraph Act and Electricity Act, 2003. The respondent has also stated that Rule 79 of Electricity Rules, 1956 which provides for minimum clearance of lines and equipments have also been followed in installing the panels. So the appeal is liable to be dismissed.
5. The petitioner has submitted a rejoinder dated 04.06.2022 along with affidavit. It is mostly a repetition or reiteration of his contentions made in the petition.
6. Hearing in the case was held on pre decided date 22.06.2022. While the petitioner appeared and argued his case the respondent Executive Engineer, has sent a letter no. 2556 dated 22.06.2022 through email wherein he has mentioned that since no intimation has been received in his office about the hearing it was not possible to

appear on behalf of the department for submission of arguments and has requested for another date for hearing. It is clarified that Executive Engineer's submission is false as the intimation for hearing was sent vide letter dated 09.06.2022 which was duly received by his SDO on 10.06.2022. MD, UPCL has already been requested for asking explanation of the aforesaid Executive Engineer and for taking action against him vide letter no. 130 dated 22.06.2022. However the arguments were concluded and order was reserved for 30.06.2022.

7. All records available on file have been perused. Arguments from the petitioner were heard. It is clarified that shifting of electric lines/poles/equipments is beyond Forum's jurisdiction in terms of sub regulation 3.1(5) of UERC (Guidelines for Appointment of Members and Procedure to be Followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2019, which reads as "The Forum shall not entertain any grievances pertaining to shifting of electric lines/poles/equipments." As such the Forum/Ombudsman mechanism is not authorized to pass any order on the issue of shifting of line. In view of aforesaid regulation the Forum order is upheld being consistent with the aforesaid regulation.
8. However, the DM concerned is empowered to decide a case of shifting of line/equipment/poles under the Works of Licensees Rule, 2006 made by the Government of India under sub section 2 (e) of section 176 of Electricity Act, 2003, so the petitioner, if so desire, may approach to the DM concerned with his request for shifting of panels.
9. In view of aforesaid facts, the petition is disposed off without passing any order on the issue of shifting of panels being out of jurisdiction.

Dated: 30.06.2022

(Subhash Kumar)
Ombudsman