

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Farhaan Mehmood
S/o Late Shri Mehmood Hussain,
Shop no. 145,
Pichadi Bajar, Tallitaal,
Nainital, Uttarakhand

Vs

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

Representation No. 33/2023

Order

Dated: 21.11.2023

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) order dated 04.10.2022 in complaint no. 146/2022 of Smt Safiya Siddiqui before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Nainital, Uttarakhand (hereinafter referred to as respondent), Shri Farhaan Mehmood S/o Late Shri Mehmood Hussain, Shop no. 145, Pichadi Bazaar, Tallitaal, Nainital, Uttarakhand (petitioner) has preferred this appeal for setting aside Forum order.

2. The petitioner in the instant appeal dated 13.07.2023 has averred that it is true that husband of Smt. Safiya Siddiqui passed away on 06.11.2021 but it is wrong to say that connection of her father-in-law was got disconnected by him on 16.06.2022 and that of her husband was also got disconnected on 10.07.2013 permanently. Smt. Safiya Siddiqui is not a co owner in the disputed property and therefore connection to her should not have been given without any NOC by him and her father-in-law who is still alive and the connection released to Smt. Safiya Siduqui on 18.10.2022 is illegal and has to be disconnected. He has requested that in view of the facts of the case Forum order dated 04.10.2022 be set aside.

3. The Forum after perusal of records and hearing arguments from both parties has directed the opposite party (UPCL) that connection to Smt. Safiya Siddiqui be

released after depositing 3 times security as mandated under sub regulation 3.3.2 (4) (a) of UERC regulations, 2020 and section 43 (1) of Electricity Act, 2003.

4. The respondent Executive Engineer has submitted his written statement vide letter no. 2287 dated 26.08.2023 along with an affidavit under oath wherein he has submitted as follows:


- i) Connection no. 076818 of Shri Rehan Ullah was got permanently disconnected on 10.07.2013 and connection no. 596A408103085 of Shri Kudrat Ullah Siddiqui was also got permanently disconnected on 16.06.2022 on the request of the said consumer dated 16.06.2022 after depositing disconnection fee Rs. 236.00 by him.
- ii) Shri Kudrat Ullah Siddiqui C/o Shri Farhaan Mehmood vide his letter dated 28.06.2022 and Shri Farhaan Mehmood Siddiqui vide his letter dated 29.06.2022 requested the SDO that connection to anybody should not be given in the said premises which is disputed without NOC by the owners of the property. The Forum was accordingly apprised by the SDO vide his letter no. 470 dated 20.09.2022.
- iii) A 2KW domestic connection no. 592A266734705 was released on 18.10.2022 in the name of Smt. Safiya Siddiqui in compliance to Forum order dated 04.10.2022 in complaint no. 146/2022 on depositing 3 times security by the applicant Rs. 4,600.00 on 17.10.2022.
- iv) He has also submitted that Smt. Safiya Siddiqui w/o Late Rehan Ullah has submitted a letter dated 21.06.2022 in sub division office requesting for release of a new connection and re-energization of old connection no. 076818 which was duly replied by SDO vide letter no. 310 dated 24.06.2022. Smt. Safiya Siddiqui again submitted a letter dated 19.07.2022 in sub division office for release of new connection and re-energization of old connection no. 076818. In reply to the said letter SDO vide letter no. 362 dated 21.07.2022 informed the applicant that since all formalities of permanent disconnection of the referred existing connection had duly been completed so it will not be possible to re-energize the referred old connection.



The respondent has further submitted that connection no. 592A266734705 was released in the name of Smt. Safiya Siddiqui, Sarda Sang Gali, Saurav Hotel, Mallitaal in compliance to Forum order dated 04.10.2022 in compliant no. 146/2022.

5. The Petitioner Shri Farhaan Mehmood has submitted a rejoinder dated 11.09.2022 along with an affidavit under oath. No new facts of the case have been adduced and it is merely a reiteration of what he has already submitted in his petition.
6. Hearing in the case was fixed for 29.09.2023 which under unavoidable circumstances was shifted to 17.10.2023. The hearing was again postponed on the request of the respondent and 30.10.2023 was fixed for hearing. The hearing was accordingly held on 30.10.2023. the respondent was represented by Shri Priyank Pandey SDO, the petitioner however requested that his case be decided on the basis of his letters dated 13.07.2023 and 11.09.2023 and requested for exemption from personal appearance for arguments. The respondent argued his case and the arguments were concluded and 21.11.2023 was fixed for pronouncement of order.
7. Records available on file have been perused. Arguments from the respondent were heard. It is borne out that connection to Smt. Safiya Siddiqui was released by the respondent after depositing 3 times security and in accordance with sub regulation 3.3.2 (4) (a) of UERC regulations, 2020 and section 43 (1) of Electricity Act, 2003 as such it is a legal connection released by the respondent in accordance with aforesaid statutory provisions and it cannot be disconnected on the request of some third party or any other person. Forum order is upheld being consistent with the above referred UERC regulation. Petition is dismissed.

Dated: 21.11.2023


(Subhash Kumar)
Ombudsman