

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Arvind Rai  
House no. 42, Sarveshwari Enclave,  
Gangapur Road, Rudrapur,  
Distt. Udham Singh Nagar,  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division, (First)  
Uttarakhand Power Corporation Ltd.  
Rudrapur, Distt. Udham Singh Nagar,  
Uttarakhand

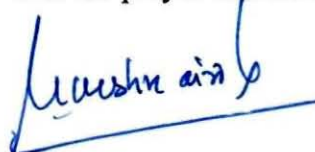
Representation No. 23/2024

**Award**

Dated: 29.11.2024

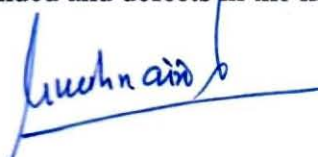
Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Udham Singh Nagar Zone, (hereinafter referred to as Forum) order dated 22.04.2024 in complaint no. 03/2024-25 by which Ld. Forum has dismissed the complaint of appellant Shri Arvind Rai, House no. 42, Sarveshwari Enclave, Gangapur Road, Rudrapur, Distt. Udham Singh Nagar (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (First), Uttarakhand Power Corporation Ltd., Rudrapur, Distt. Udham Singh Nagar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner in his instant appeal dated 21.05.2024 has averred that he is a senior citizen aged 67 years is a consumer of UPCL for 5 KW domestic connection with service connection no. 897A912201005. One phase was missing to his supply since September 2022. Complaint on UPCL's toll free no. was made on 25.09.2022, 05.06.2023 and 03.07.2023 registered as complaint no. 22609220175, 20506230649 and 20307230200 respectively, while the JE has been reporting OK status every time but the defect was not removed. The defect was also not removed even after contacting to line staff several times. Having found no solution he approached to Forum with complaint dated 05.04.2024 with the prayer that the missing phase be got

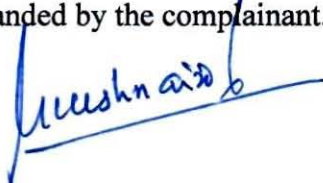


corrected and compensation amounting to Rs. 20,000.00 be sanctioned. The defect was set right by the line staff on 11.04.2024.

3. A telephonic communication from Forum informed that hearing in his complaint is scheduled for 22.04.2024. He duly reported to the Forum at 11:00 am on 22.04.2024 and put his signatures in the register. At 11:30 am a member of the Forum heard his complaint and arguments were also held. He was not aware about the compensation, which was demanded and was admissible. Member of Forum asked him to submit photocopy of all the 3 complaints which were duly sent to him on 24.04.2024 by registered post, but order was passed on the same date 22.04.2024, while the Forum did not wait for receiving the complaint as desired by them. He received Forum order on 26.04.2024, which was baseless. The opposite party was however not present for hearing.
4. The Forum denied his appearance on the argument date, while it is confirmed from his signatures from the register. He further submitted that in such a circumstances justice cannot be expected from the Forum and the Forum decided case in favour of the department. Having averred as above, he has prayed that the appeal be admitted. Exemption from personal appearance for arguments be allowed in view of himself being a senior citizen and some other family circumstances and case be decided on the basis of records. He is liable to get compensation Rs. 20,000.00 as demanded, which may kindly be granted.
5. The Forum in its order dated 22.04.2024 mentioned that a complaint was received from Shri Arvind Kumar Rai regarding 01 phase missing to the supply of his connection complaints for attending the defect in the line were made to the department at 03 occasions but the complaint was not removed and hence the instant complaint before Forum wherein the complainant has requested for setting right the defect in the line as also grant of compensation. While on the scheduled date of hearing Shri Ajay Megrekar, a clerk from the Division appeared for arguments but the complainant did not appear. As per written report by the Executive Engineer all the complaints were timely attended and defects in the line were set right each time. The Forum was of the view that the complaint were duly attended to, by the department and having observed as such the Forum allowed the complaint and disposed it off as the complaints have already been attended and defects in the line was set right.



6. The respondent Executive Engineer has submitted his written submission along with a notarized affidavit dated 14.06.2024. The respondent has categorically denied the allegation that supply was not available in 01 phase of his 05 kw domestic connection no. 897A912201550 since September 2022. He has further submitted that 03 nos. complaints were received on toll free no. on 26.09.2022, 05.06.2023 and 03.07.2023 which were duly registered as complaint no. 22609220175, 20506230649 and 20307230200 respectively and each of the complaints were duly attended within the prescribed time limit. He has substantiated his submissions with complaint attending status for each of the complaint.
7. Further complaint was lodged by the consumer with the Forum which was registered there at complaint no. 03/2024-25. Forum informed about the said complaint vide its letter no. 17 dated 08.04.2024 which was duly sent to SDO concerned who reported vide his letter no. 219 dated 20.04.2024 that complaint regarding 01 phase missing of Shri Arvind Rai was attended to and defect removed on 12.04.2024. The respondent has further submitted that in view of his above clarifications all the 03 complaints were attended to and set right within time limit provided in SOP. Such being the case the appellants prayer for granting compensation amounting to Rs. 20,000.00 is baseless. He has substantiated his submissions with documentary evidences such as JE's letter dated 16.06.2024 status of all the 03 complaints.
8. The appellant has submitted a rejoinder dated 09.07.2024 along with a notarized affidavit. No new facts about the case have been adduced and his submissions are just reiteration of what he has already averred in his appeal.
9. Hearing in the case was fixed for 13.11.2024. While the petitioner did not come personally for arguments as he had already requested exemption from personal hearing in view of himself being a senior citizen. The respondent represented by Shri Anshul Madan, SDO who argued his case and orally submitted that 03 nos. complaints regarding 01 phase missing were received in toll free number and each one of them was duly attended and defect removed within the permissible time limit under SOP. Where after a 04<sup>th</sup> complaint was made to the Forum, who disposed off the complaint in view of the fact that all the complaints regarding 01 phase missing were duly attended too by the department. The Forum order is silent about admissibility of the compensation as demanded by the complainant.




9. After perusal of records and hearing arguments from respondents it is borne out that all the 03 complaints were duly attended to by the department within the time limit prescribed under SOP as is established from the complaint status submitted by the respondent with WS. The UERC (Standard of performance) Regulation, 2022 notified on September 22, 2022 is applicable in the instant case and its schedule III provides time limit for attending the complaint regarding service line broken. The complaint status submitted by the respondent suggests that each of the 03 complaints were attended too within the prescribed time limit. Hence no compensation is admissible in the instant case. The Forum order need not to be interfered with. The petition is liable to be dismissed.

**Order**

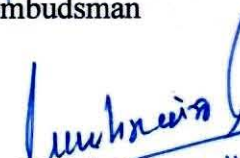
The petition is dismissed consequently Forum order is upheld.

Dated: 29.11.2024

  
(D. P. Gairola) 29.11.2024  
Ombudsman

Order signed dated and pronounced today.

Dated: 29.11.2024

  
(D. P. Gairola) 29.11.2024  
Ombudsman