

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Bhupendra Arya
S/o Shri Mohan Lal
House Sikha, Vikasnagar,
Kusumkheda, Haldwani,
Distt. Nainital, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Haldwani, Distt. Nainital, Uttarakhand

Representation No. 29/2023

Order

Dated: 21.11.2023

Being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) order dated 22.06.2022 in complaint no. 166/2023 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Haldwani, Distt. Nainital, Uttarakhand (hereinafter referred to as respondent), Shri Bhupendra Arya S/o Shri Mohan Lal, House Sikha, Vikasnagar, Kusumkheda, Haldwani, Distt. Nainital, Uttarakhand (petitioner) has preferred this appeal for disconnection of the illegal connection given in his residence and action against SDO, Kamaluganja for carelessness in working.

2. The petitioner in the instant appeal dated 05.07.2023 has averred that connection no. 3058 was given on 25.04.2014 in his residence, Bank Colony, Bithoriya in the name of his ex wife Smt. Sikha Arya. Information under RTI was asked from SDO regarding removal of the said connection as to on which grounds the said connection was removed. Further information was also asked for about giving connection no. 397/M123/165953 at his residence without NOC from him. The SDO vide his letter dated 13.03.2023 informed that concerned file of the said connection was not available in his office. SDO also confirmed this fact in reply to RTI question vide his letter no. 96. A complaint was preferred before the Forum on these issues which was



registered as complaint no. 166/2023 with the Forum. In reply to the complaint the SDO Kamaluaganja submitted that no connection either in the name of himself or his ex wife is existing in the said premises so he requested that the connection be dismissed. Hearing in the case was fixed by the Forum for 19.06.2023 and ex parte order was passed by the Forum in his absence. The Forum under para 4 of the order clarified that there was no connection in their name in the said premises. Further SDO ignoring the facts regarding the file of the connection misguided the Forum that file of new connection was also not traceable because fabricated documents were submitted in the file. The petitioner has therefore prayed that action against the SDO Kamaluaganja for carelessness in working be taken and the connection illegally given at his residence be ordered to be disconnected.

3. The Forum in their order has mentioned that the complainant did not appear for arguments on pre-decided date 19.06.2023. SDO appeared and submitted that no connection was ever released in the name of Bhupendra Arya in the premises under reference. On perusal of the file the Forum observed that the complainant has averred in the complaint that a connection to someone else was given in his residence after disconnection of his connection. The complainant did not submit any documentary evidence to show that a connection in his name was existing in the said premises, neither he has given connection no. of such a connection. The opposite party also submitted that no connection was given in the said premises to Shri Bhupendra Arya. The Forum further observed that the complainant did not adduce any such documentary evidence to show that a connection was released to him in his premises. A perusal of the complaint suggests that the matter is related to property dispute. The Forum has mentioned that they are not authorized to hear such a case. As regards the question of connection to the complainant, he did not adduce any documentary evidence to show that a connection was given to him, so the complaint is liable to be dismissed and accordingly the Forum dismissed the complaint vide its order dated 22.06.2023.
4. The respondent Executive Engineer submitted his written statement vide his letter no. 5351 dated 11.09.2023 along with affidavit under oath. He has submitted point wise reply as follows:



- i) Ombudsman letter 682 (a) dated 22.08.2023 was received in his office on 06.09.2023.
 - ii) The petitioner had preferred an appeal before the Forum which was registered as complaint no. 166/2023 in the Forum, which was sent by the Forum to his office vide letter no. 629 dated 15.05.2023 which was received in his office on 17.05.2023.
 - iii) Reply was submitted to the Forum vide his letter no. 2092 dated 25.05.2023. It was informed vide the said letter that a connection no. 397E123165953 was released to Shri Ratish Chandra in the premises under reference. The said premises was sold out to Shri Chandra by Smt. Sikha Arya ex wife of Shri Bhupendra Arya and Shri Chandra has the ownership right on the said property at present. A photocopy of the registry of the said premises was submitted by Shri Chandra.
 - iv) 19.06.2023 was fixed by the Forum for hearing in the said case. Intimation of which was given to his office by the Forum vide letter dated 05.06.2023. A rejoinder from Shri Bhupendra Arya was also sent by the Forum to his office vide aforesaid letter.
 - v) SDO Kamaluaganja was authorized to appear on behalf of the respondent before the Forum for arguments on pre-decided date 19.06.2023. It was submitted before the Forum that no connection was released in the said premises in the name of Shri Bhupendra Arya, so the complaint be dismissed.
 - vi) The Forum dismissed the complaint vide their order dated 22.06.2023.
5. The petitioner has submitted rejoinder dated 11.10.2023 along with an affidavit. Most of the points in the rejoinder are reiteration of the averments made in the petition except he has submitted that the water supply connection in the said premises is existing in his name continuously from the year 2014. He has raised a question that on which grounds the connection was given in the year 2019 and it has also not been clarified that who is responsible for missing of the file. The respondent has averred that the applicant to whom the connection was given had ownership right on the property as is suggested by registry dated 28.03.2023. The petitioner has claimed that the registry is being dismissed because it was done fraudulently and mutation has still




not been done and the property still exists in the name of his wife in the mutation records. He has further submitted that the respondents are repeatedly misguiding the Court. Connection no. TRK3058 in the name of Smt. Sikha W/o Shri Bhupendra Arya which was given in his residence in the year 2014 be ordered to be restored. He has substantiated his submissions with a copy of bill of temporary supply of connection no. TRK3058 and a copy of bill of water connection from Uttarakhand Jal Sansthan from the period January 2023 to March 2023 in his name as also a copy of SDOs letter no. 66 dated 13.03.2023 wherein the SDO has informed that file of connection no. 397/E/123/165953 released in the name of Shri Ratish Chandra on 14.03.2019, was not available in his office.

6. Hearing in the case was held on pre-decided date 30.10.2023. Petitioner appeared himself and respondents were represented by Shri Vidya Bhushan Joshi SDO. Both parties argued their respective case. Arguments were concluded and 21.11.2023 was fixed for pronouncement of order.
7. Arguments from both parties were heard and documents available on file were perused. It is borne out that no documentary evidence is available on file to show that a permanent connection was ever released to the petitioner or his wife in the said premises. The respondents have also denied to have ever released such a connection so petitioner's claim that a permanent connection existed in the premises fails. However, a copy of bill of a temporary connection of Smt. Sikha W/o Shri Bhupendra as adduced by both the parties, shows that a temporary connection no. TRK3058 for 2 KW load under RTS10 was released on 25.04.2014 to Smt. Sikha W/o Shri Bhupendra Arya. This bill shows consumption period 25.04.2014 to 01.09.2015 amounting to Rs. 3,308.00. The consumption period as mentioned in the bill suggests that this temporary connection was given on 25.04.2014 and was terminated on 01.09.2015 so no connection in the said premises existed after 01.09.2015.
8. A permanent connection no. 397E123165953 was released to Shri Ratish Chandra on 14.03.2019 in the premises occupied and owned by Shri Ratish Chandra as the said premises was sold out to him by Smt. Sikha Arya ex wife of Shri Bhupendra Arya, a copy of the registry was also submitted by Shri Ratish Chandra with application for new connection. It is therefore clearly established that connection to Shri Ratish



Chandra was given by the respondents in accordance with regulations and on production of documents and when no other connection either permanent or temporary was existing in the said premises at the time of giving connection to him (Shri Ratish Chandra) and it is therefore held that the said connection of Shri Ratish Chandra is a legal connection and it cannot be disconnected on the request of the petitioner. Forum order need not be interfered with being consistent with the regulation and the same is upheld. The petition is therefore dismissed.

Dated: 21.11.2023


(Subhash Kumar)
Ombudsman