

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Naresh Chandra Bauthiyal
S/o Late Shri Mohan Lal
Village Jamri Kathal,
Tapovan, Muni Ki Reti,
Distt. Tehri Garhwal, Uttarakhand

Vs

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

Representation No. 34/2022

Order

Dated: 24.11.2022

Being aggrieved with Consumer Grievance Redressal Forum, Uttarkashi/Tehri Zone (hereinafter referred to as Forum) order dated 06.09.2022 in his complaint no. 70/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, New Tehri (hereinafter referred to as respondent) Shri Naresh Chandra Bauthiyal S/o Late Shri Mohan Lal Village Jamri Kathal, Tapovan, Muni Ki Reti, Distt. Tehri Garhwal has preferred this appeal for releasing the connection applied for by him on 29.03.2022.

2. The case in brief is that the petitioner applied for a temporary connection in his premises on 29.03.2022 which could have not been released till date firstly due to a written objection by one Shri Jai Singh claiming the land's ownership in his name, secondly a stay granted by SDM, Narendra Nagar, Tehri u/s 145 (1) of CRPC whereby he has ordered that status quo be maintained because the ownership of the land where connection has been applied is still under dispute and thirdly due to the legal opinion sought from UPCL's law wing. The petitioner approached the Hon'ble Uttarakhand Right to Service Commission for seeking remedy of his grievance regarding non release of


temporary connection. The Right to Service Commission decided the petition vide their order dated 08.06.2022. Further the respondent Executive Engineer vide para 7 of his written statement dated 31.10.2022 had submitted that the petitioner has filed a case no. 541/35/11/2022 before the Human rights commission in the same subject matter. The petitioner has also confirmed vide his email dated 16.11.2022 that he had approached the Hon'ble Human Rights Commission, Dehradun on 05.09.2022 in the same matter. In the email he has specifically mentioned that he had requested the said Commission that his case before Human Rights commission may be closed. However no documentary evidence is available in the file about the present status of the case before Human Rights Commission, but as per submission of both parties it appears that the case is still pending before the Human Rights Commission. It is therefore evident that the petitioner had approached the Right to Service Commission, Uttarakhand and the Human Rights Commission for redressal of his grievance, while the right to service commission has disposed off the petition before them vide order dated 08.06.2022 which is available on file wherein inter alia the said commission advised Shri Bauthiyal to approach to District and Session judge through an appeal if he is aggrieved with SDM Narendra nagar's stay order under section 145 (1) CRPC. It is therefore clear that the petitioner has already availed the facility for redressal of his grievance through alternative Forum viz. Human Rights Commission and Right to Service Commission and where while the right to service commission has passed order on 08.06.2022, the present status of the case before the Human Rights Commission is not known as no documentary evidence is available on file but both parties have admitted that the case is still pending before Human Rights Commission.

3. Any consumer who has any grievance from the Licensee, UPCL in the instant case may seek redressal of his grievance from CGRF Ombudsman mechanism as provided for under section 42 (5) (6) & (7) of Electricity Act, 2003. However, this provision shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub sections, that is to say that a consumer may seek remedy to his grievance from any alternate Forum other than CGRF/Ombudsman mechanism as provided for under section 42 (8) of Electricity Act, 2003.



4. In the instant case it is clearly established that the petitioner has already preferred to seek remedy of his grievance from alternate Forums viz Human Rights Commission and Right to Service Commission and therefore he is now not entitled to approach the CGRF/Ombudsman mechanism and therefore his complaint 70/2022 before the Forum which had duly been decided by the Forum vide its order dated 15.10.2022 and his instant petition dated 19.10.2022 before the Ombudsman is not maintainable and the same is therefore disposed off without passing any orders on merits.

Dated: 24.11.2022


Subhash Kumar)
Ombudsman