

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Dr. Kamini Kaushal  
W/o Dr. B. R. Saini  
Studio No. 303 & 305,  
Anandam City, Haridwar,  
Uttarakhand

Vs

1. The Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Jwalapur, Haridwar, Uttarakhand
2. Shri Sangeet Aggarwal, Gardian & Promoters, Aum Infratech Pvt. Ltd. Anandam City, Village Badheri Rajputan, Pargana Roorkee, Distt. Haridwar, Uttarakhand.
3. Chairman, Anandam Residents' Welfare Association, Anandam City, Haridwar, Uttarakhand

Representation No. 35/2022

### Order

Dated: 16.03.2023

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar Zone (hereinafter referred to as Forum) order dated 19.10.2022 in his complaint no. 88/2022 before the said Forum, against UPCL, through Executive Engineer, Electricity Distribution Division, Jwalapur, Haridwar (hereinafter referred to as respondent no. 1), Sangeet Aggarwal, Guardian & Promoters, Aum Infratech Pvt. Ltd., Anandam City, Village Badheri Rajputan, Pargana Roorkee, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent no. 2) and Chairman, Anandam Residents' Welfare Association, Anandam City, Haridwar, Uttarakhand (hereinafter referred to as respondent no. 3), Dr. Kamini Kaushal W/o Dr. B. R. Saini, Studio N. 303 & 305, Anandam City, Haridwar has preferred the instant petition for setting aside Forum's impugned order dated 19.10.2022, to enquire into the matter and to take appropriate legal action against the guilty persons to recover pending electricity bills against the existing connection wrongly issued against her premises from the actual user of the connection and disconnect the existing connection.

2. The petitioner has averred in the instant petition that

- i) she is the owner of a studio/flat no. 303 & 305 in Anandam City, Village Badheri Rajputan, Pargana Roorkee, Distt. Haridwar which is in her possession since 05.12.2015, the date of registry and she has completed all the formalities and paid all dues as required at the time of possession.
- ii) As per agreement it was assured to her that all types of services including security providing electricity connection in the said premises shall be provided. The officials of the Anandam City had assured to provide the aforesaid facilities to her.
- iii) Thereafter in spite of repeated communications and visits for providing electricity connection in the said flat but no action was taken and she could not stay in her flat because of non availability of electricity connection, nor it could be rented out and so it remained locked.
- iv) At last she visited office of SDO on 12-13.04.2022 for providing electricity connection in the said studio, but it was informed by the officials that some electricity connection was already existing in the said premises and was being sub letted to some other persons by office/staff of Anandam City and a bill amounting to Rs. 72,566.00 is outstanding against the existing connection having account no. 41600782981. Pertinently the alleged electricity connection was installed by staff of Anandam City in connivance with officials of electricity sub division office. She has further stated that she never used the alleged electricity connection and therefore is not liable to pay the outstanding bills.
- v) Under the situation she made a complaint dated 12.04.2022 to SDO Bhadrabad, requesting him to initiate enquiry against the alleged electricity connection and take necessary legal action against the wrong doers and provide a new connection to her in the said studio, the SDO has ensured to do the needful.
- vi) After some days she tried to contact the SDO and other staff on the mobile telephones but her phone was not attended to, whereas at the time of submission of complaint they have ensured her to solve the issue.

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- vii) On 24.04.2022 she made a complaint about the said connection to Shri Sangeet Aggarwal, promoter of the Anandam City and also to Chairman, Anandam Residents' Welfare Association. Shri Sangeet Aggarwal however assured to enquire into the matter and solve the issue, but nothing has been done till date.
- viii) She also made a complaint to Shri S.K.Tamta, Chief Engineer Haridwar zone on 17.05.2022, however no response was received from him. Under the situations they were being deprived of from residing in her flat, due to non availability of electricity connection.
- ix) Where after she approached to Forum with a complaint no. 88/2022 dated 21.09.2022.
- x) SDO, Bhadrabad filed his response on 10.10.2022 before the Forum.
- xi) Further additional information and facts were submitted before the Forum relating to her complaint no. 88/2022 on 17.10.2022 alleging that disputed electricity connection was installed by using forged documents of other persons.
- xii) The Forum passed order on her complaint on 19.10.2022 ignoring the actual facts and circumstances of the case, against the rights of the petitioner hence the instant appeal is being preferred before the Hon'ble Ombudsman against Forum's impugned order dated 19.10.2022 passed in her complaint no. 88/2022 on the following grounds

A number of grounds have been pleaded in her favour as mentioned in the appeal from sr. no. a) to k)

In the premises aforesaid the petitioner has prayed as follows:

- a) Set aside and quash Forum order dated 19.10.2022 in her complaint no. 88/2022
- b) Initiate enquiry into the matter against the persons involved and take appropriate legal action against the guilty persons.



- c) Recover the pending bill outstanding against the electricity connection (no. 41600782981) wrongly issued against her above said flat in Anandam City from the actual user of the said electricity connection.
  - d) Disconnect the said electricity connection and allow renewed electricity connection in her flat.
  - e) Pass any other order as the Hon'ble Ombudsman deem fit and proper under the facts and circumstances of the case.
3. The petitioner has substantiated her averments with documentary evidences as referred in the appeal.
4. The Forum after perusal of records and hearing both parties have observed that bills as per metered units were issued till 28.02.2017 against the connection released on 14.07.2016 and where after NA/NR/IDF/RDF bills were issued from 29.04.2017 to 30.10.2020. The Forum was of the view that a new connection to the complainant may be given after payment of all the dues against the existing connection and after completion of all the necessary formalities and also of the view that in view of the facts of the case the NA/NR/IDF/RDF bills issued from 29.04.2017 to 30.10.2020 has got to be revised on the basis of average recorded consumption in 3 billing cycles. Having observed as above the Forum has partially allowed the complaint and ordered for revision of NA/NR/IDF/RDF bills issued from 29.04.2017 to 30.10.2020 on the basis of average recorded consumption in past 3 billing cycles.
5. The respondent no. 1, Executive Engineer has submitted his written statement vide letter no. 5874 dated 21.12.2022 as follows:
- i) The petitioner Smt. Kamini Kaushal W/o Shri B. R. Saini had taken a connection no. JW21228153376 in her studio flat no. 303, 305 in Anandam City Haridwar. Billing of the said connection was done from the month of 08/2016 to 10/2020. Total outstanding dues against the said connection till 21.12.2022 were Rs. 72,566.00 as no payment against the bills issued was made till aforesaid date.
  - ii) Bill has duly been revised to Rs. 25,048.00 in compliance of Forum's order dated 19.10.2022 passed in her compliant no. 88/2022.



- iii) No new connection in a premises where dues against the existing connection are outstanding can be given as per UERC Supply Code, 2020.
- iv) The petitioner had applied for a new connection in the said premises on 30.04.2022, which was duly rejected by the SDO on account of outstanding dues.

(A copy of application dated 30.04.2022 for new connection of 2 KW load under domestic category, consumer ledger showing outstanding dues Rs. 72,591.00 as per bill dated 30.10.2020 and further showing the revised outstanding dues Rs. 25,048.00 as on 17.11.2022 as a result of revision in compliance of Forum order and an enclosure showing processing and rejection of the application dated 30.04.2022 for new connection has been adduced with the above written statement

- 6. No written statement has however been submitted by respondent no. 2 and 3.
- 7. The petitioner has submitted a rejoinder dated 02.01.2023 in which no new facts of the case except what she had already averred in her petition, have been adduced in the rejoinder.
- 8. Hearing in the case was fixed for 27.02.2023 although the petitioner appeared for arguments but none of the respondents appeared, so 03.03.2023 was fixed as the next date of hearing. The petitioner and respondent no. 1 appeared and submitted their respective arguments. Respondent no. 2 and 3 however, did not come for submitting their arguments. The arguments were concluded and 16.03.2023 was fixed for orders.
- 9. Records available on file have been perused. Arguments from the petitioner as well as respondent no. 1 were heard. It is borne out that an application for sanction of 3 KW domestic connection was submitted by the petitioner Smt. Kamini Kaushal W/o Shri B.R.Saini for releasing the connection in her studio/flat no. 303 & 305 in Anandam City, which was registered by the respondents as no. 527050716056. The connection was released on 14.07.2016 with no JW21228153376. Billing was done from 08/2016 till 30.10.2020 as per consumer history. The petitioner during hearing admitted that the application carries her signatures but she added that she had submitted blank application duly signed but there is no evidence to show that the blank application duly signed by her was submitted by her and it is therefore clear that a connection with aforesaid no. in response to her application was released on 14.07.2016 and was





billed till 30.10.2020. The outstanding dues as per ledger up to 30.10.2020 were Rs. 72,566.00, section 3 notice was also issued on 15.01.2021 and including charges for section 3 Rs. 25.00 the total dues became Rs. 72,591.00. However after correction of the bills in compliance to Forum's order dated 19.10.2022 in her complaint no. 88/2022 before the said Forum, the total outstanding dues came down to Rs. 25,048.00. The billing was stopped after 10/2020 and the connection was temporarily disconnected on 15.01.2021 however, PD has yet not been done as reported by the respondent no. 1, who also admitted that the connection was given by UPCL in response to petitioner's application. Such being the case a new connection as applied for by the petitioner vide her application dated 30.04.2022 in the same premises where, a connection in her name is already existing, although lying temporary disconnected on nonpayment of dues, cannot be released and therefore the department has rightly rejected her new application dated 30.04.2022.

10. Further it is clarified that not more than one connection in the name of an applicant under the same category within the same premises can be given as per sub regulation 3.1 (13) of UERC (Electricity Supply Code, Release of New Connections and Related Matters) regulations, 2020, which is reproduced below:

"There shall not be more than one connection in the name of an applicant/consumer under the same category within the same premises."


And therefore the new connection applied for by the petitioner vide her application dated 30.04.2022 cannot be released in terms of the aforesaid sub regulation also and therefore the application has rightly been rejected by respondent for a new connection.

11. However, the old connection lying disconnected for outstanding dues, can be restored after payment of all the up to date outstanding dues, depositing additional security if any and as also after completion of all the necessary formalities as applicable under relevant regulations for restoration/reconnection of an existing connection lying temporarily disconnected for more than 6 months and has yet not been permanently disconnected. The petitioner if desires so may get the existing connection re-energized after depositing dues and completion of formalities as aforesaid.



12. As regards her apprehension of some fraudulent act by some persons either belonging to UPCL or any other third party, she may approach to appropriate court of law, as the Ombudsman has no jurisdiction in such a matter.
13. The petition is dismissed. Forum order upheld. Further the respondents are at liberty to get their legitimate dues recovered by adopting such means as available to them including recovery as arrear of land revenue through RC to be issued under section 5 of Dues Recovery Act, 1958 as they have already issued a demand notice under section 3 of the said Act. They may proceed further for recovery of dues as these dues are pending for a long time and have not been paid even after temporary disconnection since 15.01.2021 i.e. for a period of more than 2 years.

Dated: 16.03.2023

  
(Subhash Kumar)  
Ombudsman