

**THE ELECTRICITY OMBUDSMAN, UTTARAKHAND**

Shri Anurag Sharma,  
S/o late Shri Kapil Dev Sharma,  
Management Trustee  
Dharmshala Khilandi Bai, Subhash Ghat,  
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division, (Urban)  
Uttarakhand Power Corporation Ltd.  
Haridwar, Uttarakhand

Representation No. 47/2024

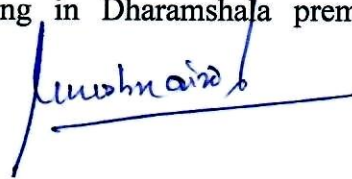
**Award**

Dated: 23.04.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 13.11.2024 in complaint no. 268/2024 by which Ld. Forum has allowed the complaint of appellant Shri Anurag Sharma, S/o late Shri Kapil Dev Sharma, management trustee, Dharmshala Khilandi Bai, Subhash Ghat Distt. Haridwar (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, (Urban) Uttarakhand Power Corporation Ltd., Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner, Shri Anurag Sharma has averred as follows in his instant petition dated 21.11.2024 as he is aggrieved and disagree with Forum's order dated 13.11.2024 in his complaint no. 268/2024 before the Forum. He has averred that although the Forum accepted the lapses by the department but still has passed the order based on majority.

He has stated that he is the management trustee of Dharamshala Khilandi Bhai Subhash Ghat, Haridwar. He had applied for a new connection, which has not been given and is kept in halt position. The ground floor of Dharamshala was illegally occupied by City Congress Committee, which was got vacated under orders of Hon'ble Court. A connection was running in Dharamshala premises without



permission of management trustee and a sum of Rs. 1,54,255.00 is outstanding against the said connection towards electricity bill which should have been recovered by the department timely but it was not recovered. The said connection was in the name of Shri Paras Kumar Jain, who had expired in the year 2011. The department did not take timely action for realization of the dues and now when the premises has been got vacated on 19.12.2023 under the orders of Hon'ble Court and thereafter applied for a new connection the department has kept the connection on hold and is asking to deposit the aforesaid outstanding dues. He has requested that the erroneous order dated 13.11.2024 passed by the Forum be reviewed and order for releasing the new connection applied for him be issued. He has substantiated his averments with copies of the following documents:

- i. Original compliant dated 10.10.2024.
- ii. Letter dated 22.10.2024 of the Forum.
- iii. Reply dated 28.10.2024 of the aforesaid Forum' letter.
- iv. Copy of Forum order dated 13.11.2024.

3. The Forum has reproduced Section 43(Duty to supply on request) Section 47 (Power to require security), Section 56 (Disconnection of supply in default of payment of Electricity Act, 2003) and Sub regulations 1.2(1)(LL), 3.3.2(4), 3.3.3(3), 3.3.3 and have discussed the provisions aforesaid regulatory/ statutory provisions and the lapses by the department in dealing with the case. further they have referred an abstract of the judgment of Hon'ble Uttarakhand High Court passed in WPMS 691/2023 wherein the Hon'ble High Court has accepted विद्युत को मौलिक आवश्यकता माना है"

The Forum also discussed the matter of outstanding dues against the erstwhile consumer Shri Paras Kumar Jain who had expired in the year 2011 and a sum of Rs. 1,54,255.00 is still outstanding against the erstwhile connection. The Forum mentioned that the issue of the said outstanding dues is a matter between the erstwhile consumer Shri Paras Kumar and the department and also mentioned that the demand of the said outstanding dues from the complainant is not consistent with the principle of justice. Further the Forum also mentioned that the opposite party, the department did not deny this fact in their written submission. There is no evidence available on file that the opposite party had taken action for recovery of the outstanding dues and they were of the opinion that demanding the said outstanding dues from the



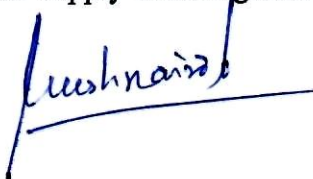


complainant is not consistent with the principle of justice. The Forum also mentioned that an outstanding due is debarred by limitation, which cannot be recovered under law. Such being the case there is no justification of outstanding dues on the premises.

In spite of aforesaid facts and circumstances, the Forum held that denial to give new connection to the complainant is logical in terms of UERC Supply Code Regulation, 2020 (Sub regulation 3.3.3(3)) and has accordingly dismissed the complaint vide its order dated 13.11.2024.

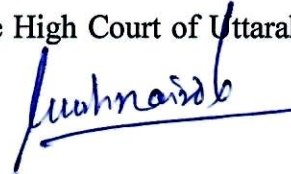
4. The respondent, Executive Engineer has submitted his written statement vide letter no. 3938 dated 21.01.2025 wherein point wise reply has been submitted as follows:-

- i. Shri Anurag Sharma, Management Trustee, Dharamshala Khilindi Bai, Subhash Ghaat, Haridwar applied for a new connection, which was registered at no. 520040724007.
- ii. A connection at the premises with no. 6960201030048 existed in the name of Shri Paras Kumar Jain. The petitioner has submitted a judgment of Hon'ble Civil Judge (JD) Haridwar (SCC execution no. 02 of 2022) Shiv Kumari vs Congress Committee dated 04.12.2023. After inspection of the site it is reported by SDO that a sum of Rs. 1,54,306.00 was outstanding against the said connection, so new connection cannot be given.
- iii. The application with aforesaid no. was rejected by RAPDRP system for outstanding dues. Consequent upon rejection of his application, the petitioner approached to the Forum, where his complaint was registered at no. 268/2024. Case was contested by the department before the Forum on the grounds that if sum of Rs. 1,54,306.00 is outstanding against the erstwhile connection referred above, it was also submitted before the Forum that RC under section 5 has already been issued on 18.12.2019 for recovery of the aforesaid dues.
- iv. The Forum dismissed the complaint vide order dated 13.11.2024 on the grounds that the application for new connection is liable to be cancelled/rejected in view of UERC Supply Code regulations, 2020.
- v. A connection on the premises on which dues are outstanding, connection cannot be given in view of UERC Supply Code regulations, 2020



A notarized affidavit has also been submitted. Copy of relevant documents in support of his written statement has also been adduced with the written statement including a copy of Hon'ble Civil Court, judgment.

5. The petitioner has submitted a rejoinder dated 21.02.2025 along with an affidavit. No new facts about the case have been submitted and averments in the rejoinder are reiteration of what he has already averred in his petition.
6. Hearing in the case was held on scheduled date 09.04.2025. Both parties appeared and orally argued their respective case. Arguments were concluded and order was reserved.
7. After perusal of records and hearing arguments it is borne out that the petitioner Shri Anurag Sharma applied for a new connection on 25.06.2024 at the premises Dharamshala Khilindi Bai, Subhash Ghaat, Haridwar in his capacity as Management Trustee. His application was registered as no. 520040724007 on 04.07.2024 by the respondents. A connection no. 6960201030048 existed at the same premises in the name of Shri Paras Kumar Jain, which was temporary disconnected in the month of 04/2017. PD was done in the month of 09/2018 and it was finalized vide OM no. 4339 dated 31.01.2019. A sum of Rs. 1,54,231.00 was held payable by the then consumer Shri Paras Kumar Jain. RC under section 5 of Govt. Electrical Undertaking Dues Recovery Act, 1958 was sent to the collector (DM) vide letter no. 91812190070/PD/R-188 dated 18.12.2019 for a sum of Rs. 1,54,306.00 for recovery as arrear of land revenue. Shri Paras Jain, the consumer of the erstwhile connection had died in the year 2011. The premises where new connection has been applied by Shri Anurag Sharma, which was under the possession of Shri Paras Kumar Jain earlier or his legal heir was got evicted under order dated 04.12.2023 of the Hon'ble Civil Judge, so this premises was in occupation of the petitioner w.e.f the said date.
8. The respondents have not given the connection to Shri Anurag Sharma till now for the reason that a sum of Rs. 1,54,306.00 are outstanding at the premises for the erstwhile connection of Shri Paras Kumar Jain, as connection at a premises where dues are outstanding cannot be given in terms of relevant UERC regulation 2020. The Forum vide its order dated 13.11.2024 dismissed the complaint no. 268/2024 for the same reason. However, the Forum having mentioned relevant UERC regulations and provisions in the Act 2003 as also Hon'ble High Court of Uttarakhand judgments in



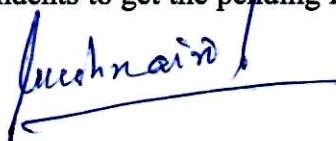


WPMS 691/2023 and as also opined that denial to give new connection to the petitioner is not appropriate in the principle of justice for the reason of outstanding dues against the earlier connection in the name of Shri Paras Kumar Jain, who had expired in the year 2011 and has also mentioned that demanding payment of the outstanding dues from the petitioner is not appropriate under the principle of justice. Further the Forum also mentioned that recovery of the aforesaid outstanding dues from the petitioner is also debarred by limitation, still they have dismissed the complaint on the grounds that the connection at a premises cannot be given where dues are outstanding in accordance with sub regulation 3.3.3 (3) of UERC regulations, 2020. Such being the case the Forum order is contradictory in itself.

9. Since in the instant case the connection was temporarily disconnected in the month of 04/20174 followed by its permanent disconnection in the month of 09/2018, PD was finalized vide Om dated 31.01.2019 and RC was also issued on 18.12.2019. All these actions were taken by the respondents long before the petitioner Shri Anurag Sharma applied for a new connection on 25.06.2024. Although as per UERC relevant regulations quoted above, connection at a premises. where dues are outstanding cannot be given unless dues are cleared. But in the instant case this regulation is not applicable as all formalities for recovery of dues had already been taken by the respondents long before the new connection was applied and the old connection has already been permanently disconnected, as mentioned above. So in the instant case neither a connection was existing in the premises nor the respondents are liable to ask the new applicant to pay the outstanding dues especially when they have already issued RC against the erstwhile consumer Shri Paras Kumar Jain. As such denial to give new connection to the petitioner is not justified and is improper and unfair on the part of the respondents. The connection is therefore liable to be released in favour of the petitioner against his pending application.

### Order

Petition is allowed. Forum order is set aside. The respondents are directed to release the connection in favour of the petitioner against his pending application expeditiously within the time prescribed in relevant UERC regulations. As regards the outstanding dues, it is the duty of the respondents to get the pending RC liquidated by



persuasion with the concerned District Authorities, which they should have done long back and it is the respondent's failure that the RC has yet not been liquidated.

*[Signature]*  
(D. P. Gairola) 23.04.2025  
Ombudsman

Dated: 23.04.2025

Order signed dated and pronounced today.

*[Signature]*  
(D. P. Gairola) 23.04.2025  
Ombudsman

Dated: 23.04.2025