

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Madhav Arora,
House no. 74, Rampuram Colony Extension,
Near Prakash City, Kashipur,
Distt. Udham Singh Nagar,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Kashipur, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 53/2023

Order

Dated: 23.02.2024

Being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar Zone, (hereinafter referred to as Forum) order dated 20.11.2023 in complaint no. 218/2023-24 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Kashipur, Distt. Udham Singh Nagar, Uttarakhand (hereinafter referred to as respondent), Shri Madhav Arora, House no. 74, Rampuram Colony Extension, Near Prakash City, Kashipur, Distt. Udham Singh Nagar (petitioner) has preferred this appeal for correcting supply of electricity to his premises.

2. In the instant appeal dated 13.12.2023 the petitioner has averred as follows:
 - i. Kindly refer to complaint no. 215, 217, 219 and 220/2023 preferred before Forum.
 - ii. Report for heavy fluctuations was made in the month of May and June on telephone.
 - iii. Having found no solution he visited SDO's office but nothing was done so he contacted the respondent and submitted a memorandum but nothing was done, so a complaint was lodged before Electricity Regulatory Commission, Haldwani (Perhaps the complaint was lodged before CGRF, Haldwani).



- iv. After the said complaint, the department reported without any verification and enquiry that it is (voltage fluctuations) happening due to summer.
- v. Regulatory Commission (Perhaps he is referring CGRF, Haldwani) was reported that, a wrong information has been given by the department and the problem pertains only to Rampuram Extension Colony, Kashipur and it is not due to severe summer hot. Where after the Regulatory Commission (Perhaps CGRF) asked for a report of rectification of the problem and an inspection report after getting it signed by the complainants be submitted and asked the department to appear before the forum. After getting to know department's report that the problem has since been addressed and removed the defects, the complainants again lodged complaint and submitted that the problem has yet not been resolved.
- vi. Where after the department laid down new cable on the line and reported the action taken by them to CGRF without any checking and intimation to the complainant and without his consent.
- vii. Where after CGRF Haldwani transferred the case to Rudrapur Forum, He reported to Forum that it is not possible to check the voltage fluctuation at this winter time. The department did not take any action for controlling the fluctuations.
- viii. He has submitted that still there is no change in the situation and Forum passed ex parte order without hearing the complainants.

Prayer

It is requested that the problem of the residents pertaining for last 3-4 years due to voltage fluctuations be ordered to be rectified. He has further requested that the case be postponed till May 2024 so that checking may be done on increased load in summer.

- 3. The Rudrapur Forum passed order dated 20.11.2023 in petitioner's complaint no. 218/2013-24. The complaint was transferred to this Forum from CGRF Haldwani on 08.11.2023. The complainant made this complaint regarding voltage fluctuations at his premises and has requested the Forum to get the problem of voltage fluctuation rectified. The opposite party Executive Engineer submitted before the Forum that neutral wire from 400 KVA transformer installed in the colony has since been replaced without any joint on all the poles and all the poles in the colony had duly

been earthed and there is no problem of voltage in the colony. The Executive Engineer has substantiated his submission with a copy of the document showing voltage. The Forum was of the view that complaint has duly been redressed by opposite party and the Forum has accordingly disposed off the complaint.

4. The respondent Executive Engineer has submitted his written statement along with affidavit under oath vide letter no 102 dated 08.01.2024 wherein he has submitted point wise reply as follows:

- i. No comments on point no. i of the appeal as it is based on documents.
- ii. Regarding point no. ii to iv of the appeal he has submitted that on receiving complaints regarding voltage in the month of May and June the department has been making all efforts to remove the complaints.
- iii. Regarding point no. v and vi of the appeal it is submitted that in compliance to the directions of Forum LT conductor from the transformer installed in the colony has since been replaced by AB cable and fluctuations of voltage was checked on the meters of the residents of the colony on 24.08.2023 from 08:00 pm to 2400 hours and during checking, voltage on the meters of all the consumers was found 233 volts. The Forum was also apprised about the checking.
- iv. Regarding point no. vii and viii of the appeal it is submitted that all the pending cases of this division before CGRF Kumaon zone were transferred to the Rudrapur Forum. The Forum again heard the cases and disposed off such cases in view that the problem has already been redressed and removed by the department.

Additional submissions:

- v. The petitioner has not submitted a duly notarized affidavit with his appeal before Hon'ble Ombudsman so the appeal is prima facie liable to be dismissed.
- vi. In compliance to Forum's directions given during hearing of the complaints the conductor of LT line of the colony from transformer was replaced by AB cable and in joint inspection on 24.08.2023 in the evening at 08-24 hours voltage was measured and voltage from phase to neutral was found 233 volts and between phases it was found 403 volts. After removing the complaint and joint checking



the residents refused to sign the report. Shri Madhav Arora, the complainant, also asked the other 3 complainants not to sign the report.

- vii. Copy of Forum's order dated 20.11.2023 is submitted herewith.
 - viii. One another resident of the said colony Smt. Aanapurna Chaudhary also lodged a complaint regarding voltage problem before the Forum with complaint no. 315/2023.
 - ix. Reply in the aforesaid case was submitted before the Forum vide letter no. 5895 dated 30.10.2023.
 - x. In the said complaint the Forum passed order
"अद्यतन तिथि में परिवादिनी के परिसर पर वोल्टेज सामान्य है एवं वर्तमान में वोल्टेज सम्बन्धित कोई समस्या नहीं है। परिवादिनी द्वारा भी उसकी शिकायत का समाधान हो जाने पर संतुष्टि व्यक्त की गई है। अतः परिवादिनी की शिकायत का निराकरण हो जाने एवं इस बाबत उसकी संतुष्टि पर वाद की कार्यवाही समाप्त की जाती है।"
 - xi. It is further brought to Hon'ble Ombudsman notice that in reference to the referred complaints checking of the voltage fluctuations in the premises of Shri Vineet Masi resident of Rampuram Extension colony, connection no. 377KVS2839094 meter no. 8902008 checking was done on 21.12.2023. During checking voltage fluctuation was found within prescribed limits. Copy of the written statement of Smt. Anapurana Chaudhary showing her satisfaction with checking report and a copy of consumer billing history of Shri Vineet Masi is also enclosed.
 - xii. As explained above it is submitted that the voltage problem in the colony has duly been redressed and the petitioner has preferred the instant petition without submission of an affidavit duly notarized with malafide intention and therefore the appeal prima facie is liable to be dismissed. So it is requested that the petition may kindly be dismissed.
5. The petitioner has submitted a rejoinder dated 23.01.2024 along with a duly notarized affidavit. No new facts about the case has been adduced and he has reiterated that the voltage problem in the colony has yet not been rectified and he has reiterated that the voltage fluctuation problem still exists. He has also submitted representations dated 19.01.2024 regarding voltage fluctuations in the colony from a number of residents wherein they have stated that voltage problem in the colony still exists and has

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requested that the respondent Executive Engineer may kindly be directed to get voltage problem rectified and video-graphy of the joint inspection be got done.

6. Hearing in the case was held on pre-decided date 16.02.2024. The petitioner was represented by his authorized representative Shri Sachin Arora S/o Shri Sikandar Lal. The respondents were represented by Shri Pankaj Kumar, SDO and Shri Sunil Giri, JE. Arguments were concluded and 23.02.2024 was fixed for pronouncement of judgment.
7. After hearing arguments and perusal of records available on file it is found that the instant petition has been preferred by Shri Madhav Arora S/o Shri Barid Dhingra which carries signature of 3 other persons perhaps Shri Prashant Singh S/o Shri Sajjan Singh, Shri Amit Singh and Shri Jitendra Pant whose names were mentioned in the appeal as appellants. This appeal has been preferred against Forum order in complaint no. 215, 217, 219/2020/2023, however Forum order in these complaints is not available on file and complaint of Shri Madhav Arora registration no. 218/2023-24 has been disposed off by the Forum vide order dated 20.11.2023, being convinced that voltage problem has already been solved. As alleged by the respondent the affidavit not duly notarized also carries signatures of the four number persons whose signatures appear in the instant appeal also, a perusal of the appeal and affidavit confirms respondent's allegation, as such this appeal as a matter of fact is not maintainable, however in the interest of justice as also with a view to protect consumer's interest this appeal has been processed and dealt with in this order.
8. In view of respondent's submissions as also Forum's observations that voltage problem has duly been resolved by replacing the conductor in the colony from the installed transformer by AB cable, replacement of neutral wire without any joints and providing neutral on alternate poles as also the inspection report submitted by the respondents before the Forum showing voltage 233 volts between phase and neutral and 403 volts between the phases and at the meter of various consumers of the colony, it appears that voltage problem in the colony has already been resolved by the respondents and voltage in the colony must be within permissible limits of fluctuations/variations. Such being the case there appears no ground to interfere with Forum's order dated 20.11.2023 passed in complaint no. 218/2023-24 and the same is upheld. The petition is disposed off.

J.

Dated: 23.02.2024 *


(Subhash Kumar)
Ombudsman