

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ashraf Ali  
S/o Shri Rustam Ali,  
GMS Road, Dehradun  
Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division  
Uttarakhand Power Corporation Ltd.  
Mohanpur, Premnagar, Dehradun,  
Uttarakhand

Representation No. 18/2023

### Order

Dated: 31.07.2023

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) order dated 15.02.2023 in his complaint no. 139/2022 before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Mohanpur, Prem Nagar, Dehradun, Uttarakhand (hereinafter referred to as respondent) Shri Ashraf Ali S/o Shri Rustam Ali, GMS Road, Dehradun, Uttarakhand (petitioner) has preferred this appeal for setting aside Forum order dated 15.02.2023 and for passing orders for disconnection of connection no. MP2148252490.

2. The petitioner, Shri Ashraf Ali has preferred this appeal dated 01.05.2023 challenging Forum order dated 15.02.2023 passed in his complaint no. 139/2022. He has averred as follows:

- i) Forum's order dated 15.02.2023 is against law and has been passed in contravention to UERC regulation, so it is liable to be dismissed.
- ii) The Forum did not take cognizance of the documents submitted before it regarding the property. The petitioner has submitted that he had occupied the premises after getting it registered in his name on 26.03.2021 and had completed the construction work, at the time when a connection in the said

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property was given to Shri Shahjad S/o Khusrudin by UPCL for domestic use. Shri Shahjad was not the legal owner of the said property neither the property was in his possession, at that time so the connection was given by UPCL based on the false and forged documents. He has referred a ruling of the Hon'ble Supreme Court in case no. 2011 (3). He has also referred another ruling from the Hon'ble Apex court and on the basis of such rulings he has claimed that connection given to Shri Shahjad was not a legal one so Forum's order is liable to be set aside.

### Special averments

The petitioner has averred that Mohd. Shahjad S/o Late Khurudin R/o Mehuwala Mafi, Dehradun had sold a property to one Shri Meherban Ali on 30.03.2015. Mutation in the name of Shri Meherban Ali was done in revenue records on 26.05.2015. The said Meherban Ali sold the property with an incomplete construction to Shri Ashraf Ali S/o Late Shri Rustam Ali, Kanwali Ropad, GMS Road, Dehradun on 26.03.2021 and had given the possession to Shri Ashraf Ali. The petitioner has further stated that he got 2 temporary rooms constructed in the property and also erected a main gate. On 15.10.2021 when his son Rafiq Ahmed happened to visit the property, he found a electricity meter installed at the property. On enquiry it was gathered that Shri Shahjad and his brother Jamsed managed to get the meter installed in connivance with UPCL staff based on forged documents and false affidavit. He has requested that the said connection no. MP2148252490 be ordered to be disconnected and a case of forgery against the persons who managed to get the connection on the basis of forged documents be filed in the Court.

In view of the premises aforesaid the petitioner has prayed that the referred Forum order dated 15.02.2023 be set aside and directions be issued to the respondents for disconnection of the aforesaid connection being illegal.

3. After perusal of records available on file and hearing arguments from both parties, Forum found that the complaint has been lodged by the complainant for disconnection of connection no. MP2148252490 given to Mohd. Shahjad. Mohd. Shahjad S/o Late Khusrudin has got a 2 KW domestic connection released in his domestic premises by submitting a registered sale deed and pan card. In the matter the Forum is of the view that the aforesaid connection can be disconnected only in accordance with sub

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regulation 6.1 and 6.2 of UERC (The Electricity Supply Code, Release of New Connection and Related Matters) Regulations, 2020 so no relief can be granted to the complainant. The Forum has clarified that electricity connection is a basic need, electricity connection is not a proof of the ownership of the house/premises and therefore the Forum concluded that in the circumstances the complaint is liable to be dismissed and the Forum have accordingly dismissed the complaint vide their order dated 15.02.2023.

4. The respondent, Executive Engineer has submitted a written statement along with an affidavit under oath vide his letter no. 522 dated 17.05.2023, wherein he has submitted as follows:

- i) A 2 KW domestic connection was released to Shri Mohd. Shahjad S/o Khusrudin, Mehuwala Mafi, Chandatall Bhatta in his residential premises on submission of a copy of registered sale deed and Pan card with the application for obtaining the connection as mandated under sub regulation 3.3.2.4 of UERC regulations, 2020. On the basis of which the connection was released to the applicant
- ii) Shri Ashraf Ali A/o Shri Rustam Ali, GMS Road, Kanwali, Dehradun had filed an objection against the aforesaid connection that the said connection was illegally been given on his property. Taking cognizance of his objections the SDO Mohanpur vide his letter no. 612 dated 14.12.2021 had asked Mohd. Shahjad to submit necessary documents or evidence regarding the property on which he had taken connection but the said Md. Shahjad did not submit necessary documents as asked for by the SDO. Subsequently SDO vide his letter 15.03.2022 and 03.11.2022 issued reminders to Mohd. Shahjad for submitting the desired documents. In response of which Mohd. Shahjad vide his letter dated 15.12.2022 informed that no forgery was done by him in taking the connection and he has obtained the connection on the basis of sale deed dated 28.04.2018 and after depositing necessary charge.
- iii) The respondent has further submitted that the complaint had duly been dismissed by the Forum vide its order dated 15.02.2023.

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
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- iv) He has further submitted that electricity connection is a basic need and electricity connection cannot be used to show the right of ownership on the property, so the instant petition is liable to be dismissed.
5. The petitioner has submitted a rejoinder dated 05.06.2023. No new facts of the case has been submitted in this rejoinder, rest of the rejoinder is merely a reiteration of the averments of his petition.
6. Hearing in the case was held on 19.07.2023. The petitioner was represented by a counsel and the respondent was represented by SDO. Both argued their respective case. Respondent argued that the connection to Shri Shahjad was given on the basis of documentary evidences as required under UERC regulations, and hence it is a legal connection given by the respondents. The counsel for the petitioner apart from verbal arguments submitted 3 case laws of the Hon'ble Supreme Court. It is clarified that the genuineness of the documents submitted by any applicant for taking a connection can only be decided by the court of law. The case law submitted by the counsel for the petitioner deals with fraudulent documents. In the instant case there is also a case pending before Civil Court regarding a dispute on the property and any action in pursuance of the Court's judgment as and when it may be received may be taken by the respondents if required and till then the connection given to Shri Shahjad will continue to be a legal connection and therefore it cannot be disconnected on an objection by the petitioner. Forum order being consistent with relevant UERC Regulations need not be interfered with and the same is upheld. The petition is dismissed.

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(Subhash Kumar)  
Ombudsman