

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Indrajeet Singh
S/o Shri Iqbal Singh,
Guru Kripa Traders,
5/4, Kanwali Road,, Dehradun
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (South)
Uttarakhand Power Corporation Ltd.
18, EC Road, Dehradun,
Uttarakhand

Representation No. 28/2023

Order

Dated: 30.08.2023

Being aggrieved with Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) order dated 29.05.2023 in complaint no. 05/2023 of Shri Iqbal Singh S/o Shri Harcharan Singh 305/19, Patel Nagar, Dehradun before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (South), Uttarakhand Power Corporation Ltd., 18, EC Road, Dehradun, Uttarakhand (hereinafter referred to as respondent) Shri Indrajeet Singh S/o Shri Iqbal Singh, Guru Kripa Traders, 5/4, Kanwali Road, Dehradun, Uttarakhand (petitioner) (Shri Indrajeet Singh was neither a complainant before the Forum nor he was a party to that complaint) has preferred this appeal for setting aside Forum order dated 29.05.2023 and deciding his appeal on merits.

2. At the outset, it is clarified that although the petitioner Shri Indrajeet Singh was neither a complainant before the Forum in complaint no. 05/2023 nor he was a party to it, however the instant petition is admitted for deciding on merits in accordance with para 3.6 of UERC (Guidelines for appointment of members and procedure to be followed by the Forum for redressal of grievances of the consumers) Regulations, 2019 which reads as follows as the petitioner is a consumer of UPCL for connection no. 475120922001.

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"3.6. Appeal before Ombudsman

Any consumer aggrieved by the order of the Forum or non-disposal of his complaint by the Forum within the specified time limit may prefer an appeal to the Ombudsman appointed by the Commission under the Act, in such form and manner, as may be laid down in the Regulations of the Commission."

3. The petitioner has averred that a complaint no. 05/2023 was lodged before the Forum against him in which no notice was given to him and the complaint was decided against him ex-parte. The complainant submitted the fabricated documents before the Forum and the signatures were also fake. The meter installed at the petitioner's premises by the respondent based on the documents as required under the regulations. His marriage has duly been registered with sub registrar, Dehradun on 22.11.2022. The respondent no. 1 had tried to get his meter removed which was given by the respondent on the basis of documents. A case with the Civil Court on property dispute is pending. Guru Ram Rai Darbar Sahib is the owner of the property 5/4, Kanwali Road, Dehradun and he is an authorized tenant of the said property. He has further averred that Forum's order dated 29.05.2023 is liable to be quashed being an ex-parte order and in view of his averments he has prayed that Forum order dated 29.05.2023 in complaint no. 05/2023 be set aside and his appeal be decided on merits.
4. After hearing ~~the~~ both the parties i.e. the complainant Shri Iqbal Singh and the Executive Engineer, UPCL has observed that connection of Shri Indrajeet Singh S/o Shri Iqbal Singh was given by UPCL after permanent disconnection of the existing connection no. SD65226122097 of the complainant Shri Iqbal Singh on the request of Shri Indrajeet Singh S/o Shri Iqbal Singh. The Forum was of the view that the opposite party UPCL has acted in contravention to UERC regulation chapter 6 sub regulation 6.2 which is not only against logic but also is not justified and accordingly the Forum ordered that the connection no. SD65226122097 of Shri Iqbal Singh permanently disconnected illegally against regulations be restored.
5. The respondent Executive Engineer has submitted his written statement vide letter no. 1628 dated 18.07.2023 along with an affidavit under oath. The respondent has submitted that point no. 1, 2 and 7 does not concern him, regarding other points of the petition he has submitted that connection to the petitioner was given on payment of 3 times security as required under sub regulation 3.3.2 (4) of UERC regulation, 2020 as

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required documents were not submitted by the petitioner and further because he (The petitioner) had submitted an affidavit to the effect that he himself will be responsible for any consequences of property dispute. He has further stated that the department is not concerned with the pending case before the Chief Judicial Magistrate, Dehradun under section 156 (3).

6. The petitioner has submitted a rejoinder with affidavit under oath dated 12.08.2023. No new facts about the case has been submitted except he has claimed that the connection was released to him on depositing necessary documents and not on depositing 3 times security as claimed by the respondent (The petitioner's submission that connection was not given to him on depositing 3 times security does not prove to be a fact because as evident from the receipt of payments issued by the respondent on 15.10.2022, he deposited security Rs. 4,500.00 and service line charges Rs. 1,000.00 total Rs. 5,500.00 for taking connection).
7. Hearing in the case was fixed for 14.08.2022 which was postponed to 23.08.2022 on consumer's request. The petitioner appeared along with his counsel and SDO concerned appeared on behalf of the respondent. Both parties argued their respective cases. The arguments were concluded and 30.08.2023 was fixed for pronouncement of order.
8. After perusal of records available on file and hearing arguments from both parties, it is observed that PD of existing connection of Shri Iqbal Singh the complainant before the Forum in complaint no. 05/2023, was done on the request of Shri Indrajeet Singh to whom a connection was given by the respondents after PD of the connection of Shri Iqbal Singh. It was a violation of sub regulation 6.2 of UERC regulation, 2020, which has rightly been observed by the Forum and have accordingly directed the respondents vide its order dated 29.05.2023 in complaint no. 05/2023 to restore the connection of Shri Iqbal Singh. The Forum order needs not be interfered with, being in conformity with the aforesaid regulation and is therefore upheld. The petition is dismissed.

Dated: 30.08.2023


(Subhash Kumar)
Ombudsman

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