

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Chandra Khati ,
W/o Shri Rajendra Singh Khati,
New Vaishali Colony,
Gali No. 2, Bazpur Road, Kashipur,
Distt. Udham Singh Nagar Uttarakhand

Vs

1. The Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Bazpur, Distt. Nainital, Uttarakhand
2. Smt. Jyoti Joshi W/o Shri Lalit Joshi R/o Vaishali Colony, Kashipur, Distt. Udham Singh Nagar, Uttarakhand through authorized representative Ms. Priyanshi Joshi.

Representation No. 12/2022

Order

Dated: 23.05.2022

Smt. Chandra Khati W/o Shri Rajendra Singh Khati, New Vaishali Colony, Gali No. 2, Bazpur Road, Kashipur, Distt. Udham Singh Nagar has preferred this appeal dated 22.02.2022 for review/stay of Consumer Grievance Redressal Forum, Kumaon Zone, Haldwani (hereinafter referred to as Forum) order dated 03.02.2022 in complaint no. 125/2021 of Smt. Jyoti Joshi W/o Shri Lalit Joshi R/o Vaishali Colony, Kashipur She has subsequently submitted a revised undated petition and a further final revised petition dated 26.02.2022.

(Although Smt. Chandra Khati was not a party in aforesaid complaint of Smt. Jyoti Joshi before the Forum, but she feel aggrieved with Forum's order dated 03.02.2022 in this appeal wherein the Forum has ordered that a new connection to Smt. Jyoti Joshi be given on depositing 3 times security in accordance with sub regulation 3.3.2 (4) (a) of UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020.)

2. The petitioner Smt. Chandra Khati has stated in her appeal that she is directly affected by Forum's order for giving new connection to her tenant in her house without her permission whereas her connection installed in her house since a long time has already been disconnected by UPCL for nonpayment of dues. At the outset she has given a brief history about the premises. She has stated that the premises was purchased by her from Shri Hari Mohan. The property originally belonged to Shri Lalit Chandra Joshi who has sold it to the aforesaid Shri Hari Mohan. Shri Lalit Chandra Joshi is her tenant in a portion of the premises, after he had sold this premises to the aforesaid Shri Hari Mohan. A connection no. 371KR11088621 was already existing in the said premises in the name of Shri Lalit Chandra Joshi, who did not pay electricity bills for the said connection for about two and half years. She requested Forum to transfer the existing connection in her name after paying all outstanding dues and submitting all legal documents, the Forum ordered to transfer the said connection in her name and after transferring connection in her name she paid all bills timely online. The electricity from the connection was being consumed by her as well as her aforesaid tenant Shri Lalit Chandra Joshi, but during second covid pandemic due to financial crisis she could not pay electricity bills and as such the supply was disconnected by the UPCL on 15.12.2021 for nonpayment of outstanding dues Rs. 34,794.00. She was surprised to know about Forum's order for release of a new connection to her tenant (Smt. Jyoti Joshi W/o Shri Lalit Chandra Joshi) without any information to her, while dues are outstanding on this house against the already existing connection. Date of forum's order for giving new connection to Smt. Jyoti Joshi has been stated as 03.02.2022. She has stated that she has got a copy of Forum's order in complaint no. 125/2021 in the complaint of Smt. Jyoti Joshi. The petitioner has alleged that Smt Jyoti Joshi managed to get Forum's order dated 03.02.2022 issued in her aforesaid complaint no. 125/2021 on the basis of wrong information submitted before the Forum. Although Smt. Jyoti Joshi W/o Shri Lalit Chandra Joshi is also getting electricity from her aforesaid connection but she did not contribute in payments of the bills and she (the petitioner) has been paying all bills herself and the connection was disconnected by the department when she could not pay bills due to financial crisis during covid pandemic. She has further mentioned that Smt. Jyoti Joshi has wrongly pointed out that a case of ownership of the property is pending in Civil Court, Kashipur, which is totally wrong, no property dispute case is pending in

Civil Court, Kashipur. As regards petitioner's complaint no. 119/2018 filed before Forum, all documents regarding the case were submitted to Forum. Forum's order dated 03.02.2022 in complaint no. 125/2021 ordering to give a new connection to the complainant Smt. Jyoti Joshi will not only increase direct losses to UPCL but will also create a new option for those consumers whose dues is pending and this order will also open a way to take new connection on the basis of Forum's aforesaid orders. She has therefore requested that Forum's aforesaid order dated 03.02.2022 passed in Smt. Jyoti Joshi's complaint no. 125/2021 for providing connection to Smt. Jyoti Joshi W/o Shri Lalit Chandra Joshi may kindly be cancelled and may order to EDD, Kashipur to disconnect the said connection if it has already been released in compliance to Forum's aforesaid order dated 03.02.2022.

Smt. Chandra Khati has incidentally referred the matter related to her complaint no. 119/2018 before the Forum which was decided by the Forum vide order dated 17.01.2019 in her favour by ordering that the already existing connection no. 371KR11088621 in the name of Shri Lalit Chandra Joshi, be transferred in her name after getting all the outstanding dues and security paid by her. Smt. Chandra Khati has confirmed through email dated 02.05.2022 that the aforesaid connection has duly been transferred in her name and therefore her request as accepted by the Forum against her complaint no. 119/2018, stands acceded to and no further action on the said complaint is required but she still insisted that connection to Smt. Joshi may not be given **(Since matter related to the complaint no. 119/2018 has incidentally been referred by the petitioner, and as Forum's order in this complaint has already been complied with, nothing regarding this complaint shall be discussed in this order)**

3. The Forum after perusal of records and hearing arguments from both parties in complaint no. 125/2021 of Smt. Jyoti Joshi W/o Lalit Joshi, Vaishali Colony, Kashipur, Distt. Udham Singh nagar against Uttarakhand Power Corporation Ltd. (UPCL) through Executive Engineer, Electricity Distribution Division, Kashipur have observed that no evidence preventing release of connection to Smt. Jyoti Joshi has been adduced by the complainant Smt. Chandra Khati, so denying release of connection to Smt. Jyoti Joshi does not appear to be justified. Further the Forum have mentioned that the applicant Smt. Jyoti Joshi is entitled to get a connection in

accordance with sub regulation 3.3.2 (4) a of UERC (The Electricity Supply Code, Release of New Connection and Related Matters) Regulations, 2020 after depositing 3 times security. Further the Forum has clarified that release of connection to the aforesaid applicant shall not be an evidence or proof of her ownership on the premises where the connection has been demanded. Further the Forum have directed that the opposite party UPCL are at liberty to recover their outstanding dues against the old existing connection from Smt. Chandra Khati as per rules. In view of the above observations and findings the Forum have allowed the complaint and directed the respondent UPCL to release connection to the applicant Smt. Jyoti Joshi after getting 3 times security deposited in accordance with aforesaid UERC regulation.

In the instant petition there are 2 respondents 1 the Executive Engineer, EDD, Kashipur on behalf of UPCL and 2 Smt. Jyoti Joshi (the respondent no. 2 has duly authorized her daughter Ms. Priyanshi Joshi to contest the case on her behalf before the Ombudsman. Both respondents have submitted their respective written statement as discussed below:

4. The respondent no. 1, the Executive Engineer, EDD, Kashipur has submitted his written statement vide letter dated 30.03.2022 along with affidavit. He has stated that Smt. Chandra Khati has made a complaint before the Forum registered as complaint no. 119/2018 for transferring the connection no. 371KR11088621 already existing in the premises, in her name. The Forum allowed the complaint and ordered on 17.01.2018 (As per records correct date of order is 17.01.2019) to transfer the aforesaid connection in the name of the complainant Smt. Chandra Khati after getting all the outstanding dues against the said connection and security deposited by her. The respondent has recused himself from making any comment on the dispute existing between Smt. Chandra Khati and Smt. Jyoti Joshi but has submitted that no payment against the existing connection has been made after January 2020 till date. Smt. Jyoti Joshi W/o Shri Lalit Chandra Joshi has made a complaint no. 125/2021 before the Forum for release of new connection to her. Further he has stated that it was informed to the Forum that in the premises where the complainant resides a connection no. 371KR11088621 exists in the name of Shri Chandra Khati W/o Shri Rajendra Khati. The said connection was disconnected on 15.12.2021 temporarily due to nonpayment of outstanding dues Rs. 34,794.00 as per khatauni enclosed with the written statement

ownership of the premises is with Smt. Chandra Khati. Smt. Jyoti Joshi W/o Shri Lalit Joshi has applied for a connection in the same premises but due to outstanding dues on the premises and its ownership with another person release of connection to Smt. Jyoti Joshi is not possible but in the aforesaid case the Forum vide order dated 03.02.2022 has allowed the complaint and had directed opposite party to release the connection in accordance with relevant UERC regulations, after getting 3 times security deposited. In compliance to aforesaid order the petitioner Smt. Joshi got her application for new connection registered in sub division office on 12.02.2022 with registration no. 450080222001 and deposited 3 times security in sub division office on 16.02.2022. After depositing the aforesaid security the JE sent the line staff on 19.02.2022 for installation of the meter but the house owner Smt. Chandra Khati managed to collect a crowd and did not let the line staff to install the meter. She created a great halla-gulla and dispute at site due to which the line staff could not install meter for releasing connection to Smt. Jyoti Joshi. The episode was duly reported by the JE to his officer. Consequently Smt. Jyoti Joshi filed a misc complaint no. 06/2022 before the Forum on 21.02.2022 for enforcing compliance of their earlier order for release of connection. The SDO concerned was therefore directed vide his letter no. 753 dated 22.02.2022 for ensuring compliance of Forum's order but SDO sent vide his letter no. 252 dated 24.02.2022 an objection letter of Smt. Chandra Khati for not releasing the connection under reference. Smt. Jyoti Joshi requested Tehsildar, Kashipur for enforcing compliance of Forum's order. In response thereof Tehsildar, Kashipur asked the SHO, Police station, ITI, Kashipur to provide necessary police help to the division office of UPCL for installation of new meter to release connection to Smt. Jyoti Joshi, where after SDO was directed vide respondent's letter no. 788 dated 24.02.2022 to ensure to take further necessary action for releasing connection under question with the help of Police. A copy of this letter has also been endorsed to SDM Kashipur, Tehsildar Kashipur, SHO Police Station, ITI, Kashipur, CGRF Haldwani and to Smt. Jyoti Joshi also. Accordingly the SDO along with JE and police help reached the premises on 25.02.2022 for installing the meter but owner of the premises Smt. Chandra Khati strongly opposed and did not allow to install the meter. She argued that it is nowhere mentioned that meter of Smt. Jyoti Joshi be installed at the house of Smt. Chandra Khati so the meter could not be installed. The police present at site said that this work could not be accomplished by force because the

matter is still pending in the Court. The matter was thus reported by the SDO to the respondent vide his letter no. 269 dated 28.02.2022. The respondent has further submitted that a sum of Rs. 35,030.00 is still outstanding against connection no. 371KR11088621 of Smt. Chandra Khati, which is temporarily disconnected since December 2021. He has requested that the Hon'ble Ombudsman may kindly order Smt. Chandra Khati to deposit the aforesaid outstanding dues before hearing of the case. He has further submitted that all out efforts were made for installation of meter in compliance to Hon'ble Forum's order dated 03.02.2022 but compliance could not be succeeded due to dispute between the parties and a forceful objection by Smt. Chandra Khati. He has substantiated his submissions with documentary evidences as enclosed with the written statement.

(Vide her mail dated 02.05.2022 Smt. Chandra Khati has informed that outstanding dues Rs. 35,030.00 along with reconnection/disconnection charges Rs. 236.00 have duly been deposited with the department vide receipts dated 30.04.2022, photocopy of which has been adduced and she has informed that where after her connection has been reconnected. The respondent Executive Engineer has confirmed vide his letter no. 1769 dated 09.05.2022 that connection no. 371KR11088621 of Smt. Chandra Khati Which was disconnected in the month of December 2021 has been restored on 30.04.2022 after payment of outstanding dues amounting to Rs. 35,030.00 by her on 30.04.2022 and supply to her is maintained, however he has informed that in spite of repeated efforts and with police help meter to release connection to Smt. Jyoti Joshi could not be installed despite she deposited 3 times security on 16.02.2022 and her application for a new connection was registered on 12.02.2022 with no. 450080222001 and thus Forum's order dated 03.02.2022 in her complaint no. 125/2021 as well as Forum's order in her misc. complaint no. 06/2022 could not be complied with.)

5. The respondent no. 2, Smt. Jyoti Joshi had submitted her written statement through her authorized representative Ms. Priyanshi Joshi, which carries no date. She has averred that in spite of Forum order dated 03.02.2022 in her complaint no. 125/2021 connection to her has yet not been released despite depositing 3 times security as ordered by the Forum, which is a noncompliance of Forum's order by UPCL's concerned officers. They are suffering grave discomfort due to non release of

electricity connection. She has pointed out that various anomalies, contradictions to the real facts illogical reasoning and fictitious information have been presented by Smt. Chandra Khati in her appeal. ASP Kashipur, wrote a letter to UPCL, Kashipur that situation should remain unaltered in the case of meter connection as some enquiry was being carried out by him on the ownership of property between Shri Lalit Joshi and Smt. Chandra Khati. She has denied that Smt. Chandra Khati's statement that she had asked Shri Lalit Joshi a number of times to make payment of electricity bill after the connection was transferred in the name of Smt. Chandra Khati. She has also denied that Shri Lalit Joshi was never a defaulter for payment of electricity bill. She has stated that even in the financial crisis Rs. 20,000.00 towards payment of bill were deposited on 31.10.2018, photocopy of receipt enclosed. In reply to point no. 5 of the appeal wherein Smt. Chandra Khati has proposed to pay 50% of the bill, the respondent no. 2 has stated that had she had done it earlier the situation could not have occurred and both families would not have been in trouble. Her (Smt. Chandra Khati) apprehension that if a new connection is given to the respondent no. 2 in compliance to Forum's order dated 03.02.2022, it shall be used as an evidence of ownership of the premises, is false and simply an imagination because if connection is given, UPCL would not suffer any loss because the connection holder shall pay the bills and there is no question of UPCL suffering any loss. She has stated that ASP Kashipur report is in complete contravention to her statement. The FIR is termed as false and police has filed FR. It is the Hon'ble Court to decide whether the FIR was false or not, the matter is still pending in the Civil Court. The FIR is regarding property and the matter is still pending in the Civil Court and this point raised by Smt. Chandra Khati is just to deviate the Hon'ble Ombudsman office from the main matter. Smt. Chandra Khati's statement that new connection should not be given without NOC from the owner, this statement is totally irrelevant as the Forum has ordered to give connection after getting 3 times security deposited, as per provision of the Regulation..

6. In the premises above the respondent no. 2 has requested that the Hon'ble Ombudsman may kindly direct the UPCL to release connection in compliance to Forum's order under reference and may also advice Smt. Chandra Khati not to create any hindrance in releasing connection to her (Smt. Jyoti Joshi). Further she has also

requested that UPCL officers may also be instructed to take help of higher authorities of police if any hindrance is created in releasing the connection.

7. The petitioner has submitted rejoinders to the written statements of both the respondents UPCL and Smt. Jyoti Joshi.
8. **Rejoinder dated 11.04.2022 on the written statement of respondent no. 1, Executive Engineer.**

On reply to point no. 1, 3 and 4 the petitioner has stated as “no comments”. On reply to point no. 2, 5 and 6 she has stated “satisfy”. In reply to point no. 7, 8, 10 and 11 she has stated “OK”. In reply to the remaining points the petitioner has submitted, that EDD Kashipur is free to make connection anywhere. I just oppose to make connection in my house. She has stated that her tenant has provided wrong information to Tesildar, Kashipur that **“disputed matter related to house is pending in Civil Court”** She has stated that as already informed to Hon’ble Ombudsman that only criminal matter going in Civil Court which final report already submitted so no disputed matter of house is pending in Civil Court. She has stated that she just oppose to give connection in her house in the name of her tenant, who never gave evidence of ownership of house. In reply to point no. 14 she has stated that she totally disagree to this point as submitted by EDD, Kashipur. She has further stated that her husband is working outside of station and she is living there with her two small children and her old grandmother so her tenant wants to usurp her house rooms and to collect evidence of his ownership so he wants electricity connection in her name.

9. **Rejoinder to the written statement of respondent no. 2, Smt. Jyoti Joshi.**

At the outset, the petitioner referring to an application dated 04.03.2022 of Ms Priyanshi Joshi D/o her tenant wherein she has requested the Hon’ble Ombudsman to make her a party in appeal 12/2022 preferred by her before the Hon’ble Ombudsman on the grounds that **“the property in which her family is residing is disputed and the case is currently pending in Civil Court, Kashipur.”** The petitioner has stated that Ms. Priyanshi Joshi has provided wrong information without any legal evidence. Point wise reply to the written statement are submitted as follows: Shri Lalit Joshi was requested verbally a number of times to transfer connection in her name with no evidence, complaint no. 119/2018 was filed to Forum when the connection was not

transferred to her, neither bills were paid by Shri Lalit Joshi. She has stated that ASP Kashipur has no jurisdiction to carry out enquiry on the matter of ownership of property. Forum's judgment in aforesaid complaint has already been submitted to Hon'ble Ombudsman. In reply to para 2 she has stated that her statement is true that she has requested a number of times to Shri Joshi to pay half of the bill but it was not done. She has stated that she is still ready to pay electricity bill, if her father Shri Joshi pays half of the bill. In reply to para 3 she has submitted that complaint to Samadhan Portal is an evidence to show that her father was a defaulter of UPCL. The respondent no. 2 has tried to divert the matter under point no. 4, after transfer of the connection in her name she paid the full amount of the bill herself and still providing electricity to them without paying any part of the bill. The respondent no. 2 is trying to divert the matter under para 5 also. In reply to para 6 she has stated that the clarification given by Ms. Priyanshi Joshi is totally unjustifiable. The FIR is regarding the property that is why her mother has stated that matter was pending in the Civil Court. FIR filed by her mother for the criminal matter (section 420 and 506) not for ownership of house matter. As per RTI the information "as per complainant the matter of ownership on the property is pending in Civil Court" is given by her mother to Forum in case no. 132/2021 for taking electricity connection. The information given to Forum was thus totally wrong. She has stated that she is the owner of the property and no matter of ownership/property is pending in Civil Court. In the end she has stated that neither ASP investigation report is fully complete nor any strong evidence submitted by her father to prove his information due to concocted story by her father only doubt raised during ASP's investigation so ASP order to Thana, ITI to make FIR and investigate ahead. ON the orders of ASP thana, ITI filed a FIR as per IPC Act, 420 and 506. Enquiry officer submitted their final report to Civil Court, Kashipur after their investigation. As per investigation report of enquiry officer her father Shri Lalit Chandra Joshi was guilty and no evidence was found against respondent (FR copy already attached).

10. The respondent no. 1, Executive Engineer has submitted a reply to the written statement of respondent no. 2 vide his letter no. 1396 dated 13.04.2022, where he has stated that

- i) He has nothing to say on the points of the written statement of Ms. Priyanshi Joshi D/o Shri Lalit Joshi because all the points are based on the records as well as related to the disputes between them regarding the house.
- ii) Nothing more than already submitted in the written statement is to be stated because Forum order dated 17.01.2018 (correct date is 17.01.2019) in complaint no. 119/2018 of Smt. Chandra Khati vs Executive Engineer has already been complied with in totality. All out efforts have been made by the department for compliance of Forum's order dated 0.02.2022 in complaint no. 125/2021 of Smt. Jyoti Joshi vs Executive Engineer but the meter could not be installed due to the hindrance and opposition created by Smt. Chandra Khati.
- iii) A sum of Rs. 35,030.00 are outstanding against Smt. Chandra Khati's connection no. 371KR11088621 which is lying disconnected since December 2021 so he has requested that the Hon'ble Ombudsman may kindly order to Smt. Chandra Khati to deposit the aforesaid dues before hearing in the case.

(The respondent no. 1 has reported the latest position of outstanding dues vide his letter no. 1769 dated 09.05.2022 wherein he has reported that the total outstanding dues Rs. 35,030.00 against Smt. Chandra Khati's connection no. 371KR11088621 has since been paid by her on 30.04.2022 and thus her aforesaid connection has duly been restored on 30.04.2022 evening.)

- 11. All records and evidences as submitted by all the parties i.e. the petitioner, respondent no. 1, Executive Engineer and respondent no. Smt. Jyoti Joshi W/o Shri Lalit Joshi have been perused. Relevant statutes such as Electricity Act, 2003, UERC regulations as well as Hon'ble Supreme Court case law as submitted in the instant case have been gone through. Arguments from all the parties have been heard on the prescheduled date of hearing 25.04.2022, which were concluded with mutual consent. Order was reserved for 04.05.2022 but due to some unavoidable reasons the date for pronouncement of order was shifted to 17.05.2022.
- 12. It has been borne out that the premises at which the petitioner and respondent no. 2 are residing as owner and occupier/tenant respectively, originally belonged to Shri Lalit Chandra Joshi who sold it out to Mr. Hari Mohan from whom Smt. Chandra

Khati purchased this property. A connection no. 371KR11088621 for 2 KW domestic load was existing in the premises in the name of Shri Lalit Chandra Joshi, its original owner. After purchasing the property by Smt. Chandra Khati, the connection still continued in the name of Shri Lalit Chandra Joshi. She (the petitioner) applied for transferring the connection in her name for which she approached the Forum (complaint no. 119/2018). The Forum vide its order dated 17.01.2019 directed to transfer the aforesaid existing connection in the name of Smt. Chandra Khati after getting all the outstanding dues and the security deposited by her. The connection was accordingly transferred in the name of Smt. Chandra Khati in compliance to Forum's aforesaid order. The supply through this connection was however continued to be used both by Smt. Chandra Khati and Shri Lalit Chandra Joshi. Payments against the bills of this connection were however continued to be made by Smt. Khati. During covid pandemic she faced financial problems and could not make the payment as such the connection was disconnected on 15.12.2021 for nonpayment of outstanding dues Rs. 34,794.00. After payment of total outstanding dues Rs. 35,030.00 by Smt. Chandra Khati, the connection was transferred in her name and the supply was restored on 30.04.2022 and as such Forum order dated 17.01.2019 in complaint no. 119/2018 stands complied with. After disconnection of the aforesaid connection Smt. Jyoti Joshi W/o Shri Lalit Joshi who were still the occupants of a portion of the premises rendered with no supply and therefore she applied for a new connection for herself. Connection was denied by UPCL because of outstanding dues on the premises. She then approached to the Forum with complaint no. 125/2021. Forum vide their order dated 03.02.2022 directed to release the connection to Smt. Jyoti Joshi W/o Shri Lalit Joshi after getting 3 times security deposited in accordance with sub regulation 3.3.2 (4) (a) of UERC (The Electricity Supply Code, Release of New Connection Related Matters) Regulations, 2020 as the applicant Smt. Joshi was not an owner of the premises but was a tenant or occupier of the premises where connection was desired could not submit any of the documents as required from 4 (a) to (e) of the said sub regulation, the proviso of the aforesaid sub regulation was applicable in her case and accordingly the Forum directed to give connection after getting 3 times security deposited. The applicant Smt. Jyoti Joshi had applied for a connection on 12.02.2022 with registration no. 450080222001 and deposited 3 times security in sub division office on 16.02.2022. The officials of UPCL visited the site on 19.02.2022

and again on 25.02.2022 for installation of the meter but could not succeed to install the meter due to the hindrance forcefully created by Smt. Chandra Khati. The meter however could not be installed with the help of police and as such the Forum order could not be complied with.

13. Thus she have not been given a lawfully sanctioned connection even after completing the formalities, depositing 3 times security and in spite of Forum's order dated 03.02.2022 in complaint no. 125/2021 of the complainant of Smt. Jyoti Joshi. Aggrieved with this order Smt. Chandra Khati, who is the owner of the premises, preferred this appeal before me, as appeal no. 12/2022 requesting that the Forum aforesaid order be set aside and the connection applied for by Smt. Jyoti Joshi should not be given to her.

14. Objection of Smt. Chandra Khati for not releasing the connection to Smt. Jyoti Joshi W/o Shri Lalit Joshi who is an occupier of the premises after depositing 3 times security as required under relevant regulation and as per orders of the Forum, is not sustainable for the following reasons.

a) Section 43 of the Electricity Act, 2003 makes it mandatory for the Distribution Licensee to give connection to an applicant whether owner or occupier of the premises, which is reproduced below:

"43. Duty to supply on request – [1][Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:"

b) The Hon'ble Supreme Court in Writ Petition no. 103/2013 of Dr. Beena Chaudhary vs BSES Rajdhani Power Ltd. and others in their judgment dated 25.06.2013 has directed for giving connection to an applicant whether owner or occupier of a premises in accordance with section 43 of the Electricity Act, 2003. Relevant abstract of Hon'ble Supreme Court order is reproduced below:

"6. Section 43 of the Electricity Act, 2003, is very clear that it is the duty of every licensee to give supply of electricity to the owner or occupier of any premises within its are. [See Chandu Khamaru v. Nayan Malik Others (2011)]

12 SCC 314]. In this case, we find that instead of ensuring that electricity is supplied to the occupant of the premises in question in accordance with the provisions of Section 43 of the Electricity Act, 2003, the respondent No. 1 is taking resort to a defence to ensure that electricity is not supplied in accordance with the provisions of the Act, The facts are very clear that there was a meter installed and the supply of electricity was to a registered consumer. If for some reason or the other, the meter is no longer there and the registered consumer is no longer willing for the supply of electricity, the occupier of the premises is entitled as of her own right under section 43 to supply of electricity and respondent No. 1 should have ensured that such supply was restored to the petitioner after complying with all necessary formalities as provided under the Act and the Rules and Regulations made thereunder.

7. We accordingly, direct respondent No. 1 to restore electricity supply to the premises in occupation of the petitioner within 48 hours from today and we direct that the petitioner will comply with all necessary formalities for the aforesaid purpose for restoration of electricity. In case, the owner of the premises for any reason is not willing for supply of electricity in his name then the supply shall be made in the name of the petitioner who is the occupant of the premises and the meter shall also be installed in the name of the petitioner and the petitioner will be liable for all charges of consumption of electricity. With the aforesaid directions, the writ petition stands disposed of.”

14. In view of above statutory provisions, case law of Hon'ble Supreme Court and Forum's order dated 03.02.2022 in complaint no. 125/2021 which is upheld being consistent with the relevant UERC regulations, referred therein, Smt. Jyoti Joshi is entitled to get a new connection in the premises where she is residing as an occupier with her family and Smt Chandra Khati has no right to raise any objections and create any hindrance in installing meter for giving connection to her in the premises where it has been applied for. She is advised to deter herself from creating any illegal hindrance in installing meter for giving connection to Smt. Jyoti Joshi. It is also clarified that her act for creating any hindrance in installing meter for the connection of Smt. Jyoti Joshi amounts to prevent the public/government servant from discharging its official duty. Further it is specifically clarified that having an electric

connection in a premises is not an evidence to claim ownership of the property. The respondent no. 1 i.e. Executive Engineer is directed to release connection to Smt. Jyoti Joshi by installing a meter in the premises where the connection was applied for expeditiously and if the situation so arises help of higher administrative/police authorities may be taken for accomplishment of release of connection by installing a meter. Forum order is upheld. Instant petition is dismissed.

Dated: 23.05.2022

(Subhash Kumar)
Ombudsman