

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Hemant Sharma
S/o Shri Kheemanand Sharma
Mallital, Bheemtal,
Nainital, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Nainital, Uttarakhand

Representation No. 18/2022

Order

Dated: 30.06.2022

Being aggrieved with non compliance of Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter referred to as Forum) order dated 09.06.2017 in his complaint no. 25/2017, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Nainital (hereinafter referred to as respondent) Shri Hemant Sharma S/o Kheemanand Sharma, Mallital, Bheemtal, Nainital, has preferred this petition for enforcing compliance of Forum's order.

2. The petitioner has averred that electric wires were forcefully drawn on his plot on 27.01.2016 by the respondents. He approached Forum for getting the wires removed and the Forum ordered on 09.06.2017 for removal of the wires by the respondents, but the orders has yet not been complied with by the respondent. The petitioner has submitted that construction of the building on the plot is in progress but these wires are creating problem in construction of the building. The respondent was requested on 23.02.2022 and again on 24.03.2022 but the respondent has taken no action for removal of the wires. He has also requested for condonation of delay in preferring this appeal as he was not aware of the existence of Ombudsman's office. The petitioner has requested that the respondent be asked to remove the wires as ordered by the Forum.

3. The Forum after perusal of records and hearing both parties was of the opinion that removal of the line and poles from the plot of the petitioner on the cost of respondent shall be justified and accordingly the Forum ordered that the line passing on the plot of the petitioner be removed by the department at department's cost.
4. The respondent, Executive Engineer has submitted written statement vide his letter no. 846 dated 11.05.2022. He has denied the contents of para 1,2,3&4 of the petition and has further submitted that the insulated cable passing over the plot is in existence since the long time back. The said cable was also replaced due to damage of existing cable of the petitioner and as well as of some other consumers. The site was visited by the then SDO and JE for shifting the existing cable in compliance of Forum's order but the petitioner was not agreed for installation of a pole near the boundary of the plot so the Forum order could not be complied with.
5. The petitioner submitted his undated rejoinder. The petitioner has denied that the insulated cable is existing over the plot since long and he insisted that the existing cable should be removed as ordered by the Forum.
6. Hearing in the case was held on pre decided dated 22.06.2022. The petitioner appeared and submitted his arguments. The respondent Executive Engineer submitted a letter dated 21.06.2022 showing his inability in appearing for arguments because of professional exams of the engineer's officers. The arguments were concluded and 30.06.2022 was fixed for orders.
7. Documents available on file were perused and arguments from the petitioner were heard. It is clarified that shifting of electric lines/poles/equipments is beyond Forum's jurisdiction in terms of sub regulation 3.1 (5) 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 "The Forum shall not entertain any grievances pertaining to shifting of electric lines/poles/equipments." As such the Forum/Ombudsman mechanism is not authorized to pass any order on the issue of shifting of line.
8. As such the Forum order dated 09.06.2017 is set aside being inconsistent with aforesaid regulation and it therefore cannot be complied with. The petition is therefore

disposed off without passing any order on merits being out of jurisdiction in terms of aforesaid regulation.

9. However, the DM concerned is empowered to decide a case of shifting of line/equipment/poles under the Works of Licensees Rule, 2006 made by the Government of India under sub section 2 (e) of section 176 of Electricity Act, 2003, so the petitioner, if so desire, may approach to the DM concerned with his request for shifting of 33 KV line.

Dated: 30.06.2022

(Subhash Kumar)
Ombudsman