

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Soban Ram Tamta,
Panchakki, Damuwa Dunga
Haldwani, Distt. Nainital,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Haldwani, Distt. Nainital,
Uttarakhand

Representation No. 20/2021

Order

Dated: 20.12.2021

Shri S. R. Tamta resident of Panchakki, Damuwa Dunga, Haldwani being aggrieved with Consumer Grievance Redressal Forum, Kumaon Zone (hereinafter referred to as Forum) order dated 23.07.2021 in his complaint no. 43/2021, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Haldwani (hereinafter referred to as respondent) has preferred this appeal.

2. The petitioner has challenged the Forum order which has been issued under the signature of Member (Judicial) and Member (Technical) on the grounds that the said Forum order is not justified having not been signed by Member (Consumer). He has challenged that a connection has been released by UPCL on 14.04.2021 in his plot without any authority and with the intention to grab his land. He has also demanded a copy of the receipt issued by the department on 14.04.2021 as also refund of the amount deposited by him. He has also stated that no connection was ever delivered at his site at Damuwa Dunga, Haldwani.
3. The Forum, after perusal of the records and hearing arguments from both parties, observed that no connection has ever been applied by Shri S.R.Tamta, receipt dated 17.04.2021 has been issued in the name of Smt. Anita Tamta. An application dated 16.04.2021 for a connection was received in the department from Smt. Anita on the

prescribed format with which a copy of her aadhar card was also submitted. As the connection was applied for, by Smt. Anita and receipt was also issued in her name there was no question of refund of the deposited money to the complainant. Having observed as such the complaint was dismissed by the Forum.

4. The respondent Executive Engineer has submitted his written statement on dated 01.10.2021. He has averred that the petitioner has filed a complaint before the Forum which was registered there at sr. no. 43/2021 wherein he had submitted a copy of receipt no. 045901/06 dated 17.04.2021. It was submitted before the Forum that no connection has been released to Shri Soban Ram Tamta S/o Shri Ranjeet Ram Tamta, however an application for a temporary connection was submitted by Smt. Amita D/o Shri S.R.Tamta Panchakki Chauraha, Damuwa Dunga, Haldwani. Rs. 6,000.00 including meter security Rs. 5,000.00 and service connection charges Rs. 1,000.00 and another Rs. 1,000.00 towards meter recharge were got deposited vide receipt no. 045901/06 from the applicant of temporary connection, due to typographical mistake in the receipt name of the applicant was inadvertently written as Anita instead of Amita and date of issue of receipt was also inadvertently written as 14.04.2021 in place of 17.04.2021. As per report of SDO, Kamalwa Ganja a temporary connection was released at the premises under reference to Smt. Amita Tamta. Smt. Tamta had clearly indicated in the application that due to corona she was not able to give the affidavit, however she promised to submit the affidavit when the Tehsil office opens after corona. The petitioner Shri Soban Ram Tamta had demanded refund of Rs. 7,000.00 deposited by him for taking aforesaid connection. The Forum dismissed his complaint vide order dated 23.07.2021. He has further submitted that a connection can be released to the petitioner if he applies for the same and completes all the prescribed formalities.
5. The petitioner did not submit rejoinder in spite of repeated requests by office of Ombudsman, where after the hearing was fixed for 16.12.2021. The petitioner vide his email dated 04.12.2021 submitted that “all the documents are in the office of the Hon’ble Ombudsman I have to say no more.” That suggests that he was not interested in appearing for arguments.
6. Shri Govind Singh Karki, SDO appeared for arguments on behalf of the respondent. He informed that meter for releasing the temporary connection to Smt. Amita Tamta

could not be installed due to land dispute. As such the connection could not be released and the security deposited by the prospective consumer was refunded to her.

7. Documents available on file have been perused. Arguments from the respondent's representative were heard. It is observed that Shri Soban Ram Tamta never applied for any connection. An application for temporary connection was submitted by Smt. Amita Tamta for which she deposited Rs. 7,000.00 vide receipt dated 17.04.2021 (as reported by the respondent date on the receipt was advertently written as 14.04.2021). Connection could not be released due to land dispute and security was therefore refunded to Smt. Amita Tamta, who had applied for the connection. The petitioner's request for refunding the deposited amount of Rs. 7,000.00 to him is uncalled for as he had neither applied for connection nor deposited this money. His allegation that Forum's order is not justified on the grounds that it has not been signed by Member (Consumer) and has been signed only by Member (judicial) and Member (Technical) is not tenable being inconsistent with the relevant regulations which provides that quorum is constituted by any 2 members of the Forum and the order issued by such 2 members is considered as an order of the Forum and therefore his allegations are overruled. Forum order is upheld. Petition is dismissed.

Dated: 20.12.2021

(Subhash Kumar)
Ombudsman