

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Kedar Singh Samant
S/o Shri Mohan Singh,
Karki Farm, P.O. Tanakpur,
Champawat, Uttarakhand

Vs

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

Representation No. 15/2021

Order

Dated: 08.10.2021

Being aggrieved with Consumer Grievance Redressal Forum, Pithoragarh Zone (hereinafter referred to as Forum) order dated 15.04.2021 in his complaint no. 29/2021, before the said Forum Shri Kedar Singh Samant (the petitioner but not being a consumer for connection under reference) has preferred this appeal against Uttarakhand Power Corporation Ltd (hereinafter referred to as UPCL) through Executive Engineer, Electricity Distribution Division, Champawat (hereinafter referred to as respondent)

2. The petitioner Shri Kedar Singh Samant has submitted a petition dated 21.04.2021 followed by subsequent applications dated 19.07.2021 and a revised petition dated 20.08.2021. He has averred that the instant petition has been filed on being dissatisfied with Forum's order dated 15.04.2021. He has stated that he has lodged a complaint with the department on receiving inflated bill for connection no. CH1T323012012542 belonging to Shri Hayat Singh Karki, installed at his residence, while he is not a consumer for the said connection but the house remains locked and he being a relation of the consumer looks after the said residence, where the connection is installed. Having not received any solution from the department, he lodged a complaint before the Forum for correction of the bills. The Forum has dismissed his complaint on the grounds that the Forum has no jurisdiction for hearing

complaints of any person not being a consumer of UPCL for the connection under reference. His grievance is that in case as per rules and regulations complaint by a person not being a consumer cannot be admitted and heard either by the department or by the Forum, then why both of them admitted his complaint and did not tell him the fact that they cannot resolve his complaint in the beginning, that the department and the Forum have caused mental harassment and financial loss to him for lingering the matter for a long time. In his petition he has requested the Ombudsman for action against the departmental officials and the Forum for causing mental harassment and financial loss to him. He has also raised a question that if complaint by a person not being a consumer cannot be attended either by the department or by the Forum then why they got check meter fee deposited by him and have harassed him for a number of months and why his complaint was admitted by the Forum. He has also demanded compensation for the mental harassment and financial loss caused to him by the department and the Forum.

3. After perusal of the records submitted before it and hearing arguments the Forum observed that the complainant Shri Kedar Singh Samant is not a consumer for connection no. CH1T323012542, but Late Hayat Singh Karki is the consumer for this connection. The complainant is not even a relation of Shri Hayat Singh Karki but he is an RTI activist. The complainant has also not submitted an authorization from the consumer for filing the instant complaint but the complaint has been lodged by him as a RTI activist. The Forum has stated that they are bound to perform their duty in accordance with the provisions of Electricity Act, 2003 and relevant UERC Regulations. The Forum has no legal authority to hear a complaint lodged by a person not being a consumer for the connection under reference. The Forum has stated that in accordance with section 2 (15) of Electricity Act, 2003 and sub regulation 1.2 (iv) of UERC Regulation 2019, a complaint before the Forum can only be lodged by a consumer himself or by his real relation or a duly authorized person, but in the instant case the complaint neither is a consumer, neither a real relation of the consumer nor he is duly authorized person. Since no authorization from the consumer had been adduced by the complainant before them, the Forum has no jurisdiction to hear such a complaint and for such reasons the complaint is liable to be dismissed and they have accordingly dismissed the complaint, not being within their jurisdiction.

4. The Forum have further stated that if the real consumer or his real relation so desire may lodge a complaint before them separately.
5. The respondent, Executive Engineer has submitted his written statement on oath dated 08.09.2021 wherein he has submitted that a complaint against inflated bill was lodged by Shri Kedar Singh Samant before Forum which was registered as complaint no. 29/2020-21 which is related with connection no. CH1T323012542 belonging to Shri Hayat Singh Karki R/o Karki Farm House, Tanakpur, Distt. Champawat. The complaint before the Forum was filed by Shri Kedar Singh Samant, who is neither a consumer of UPCL neither a relation of Shri Hayat Singh Karki.
6. The Petitioner has submitted a rejoinder dated 18.09.2021 wherein no new fact about the case has been submitted but it is merely a reiteration of his averments made in petition.
7. Hearing in the case was fixed on 05.10.2021 which was conducted virtually on the request of the petitioner. Shri Vikas Bharti, AE appeared physically for arguments on the scheduled date. The petitioner Shri Kedar Singh Samant appeared online for arguments and reiterated his averments already made in the petition. He was asked to submit a authorization letter from the consumer to substantiate his case but his reply was in negative. The respondent's representative submitted that NR bills were issued for a number of cycles as the house was found closed/locked. These bills were subsequently adjusted on MU when actual reading appearing in the meter was obtained. As per check meter study the existing meter was found working correctly. Presently the MU bills for the consumption of the order of about 200 units per month are being issued. Admittedly the petitioner is not a consumer for the above connection. The arguments were concluded.
8. Records available on file have been perused, arguments from both parties were heard. Admittedly the petitioner Shri Kedar Singh Samant is not a consumer of UPCL for the connection under reference. Neither he has adduced any documentary evidence to show that he is a real relation of the consumer and further he has also not adduced an authorization from the consumer for filing the complaint before Forum and petition before the undersigned. Such being the case the Forum's order is upheld being

consistent with relevant UERC Regulations as well as provisions of Electricity Act, 2003 as mentioned in Forum's order dated 15.04.2021. The petition is dismissed.

Dated: 08.10.2021

(Subhash Kumar)
Ombudsman