

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Akansha Tiwari Sharma
W/o Shri Shubham Sharma
R/o 22, Mitralok Colony
Ballupur Road, Block-3
Dehradun, Uttarakhand

Vs

1. The Executive Engineer, Electricity Distribution Division (North)
Uttarakhand Power Corporation Ltd. Dehradun, Uttarakhand.
2. Smt. Sunita Sharma W/o Late Nand Kishore Sharma, Param Vihar, Lane no. 2, Sahastradhara Road, Dehradun, Uttarakhand.

Representation No. 25/2025

Award

Dated: 24.09.2025

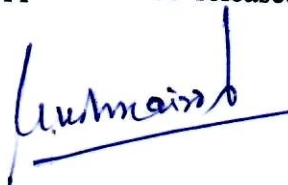
Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Garhwal zone, (hereinafter referred to as Forum) dated 08.05.2025 in complaint no. 214/2024 of Shri Shubham Sharma by which Ld. Forum dismissed the complaint of the complainant, R/o- Mitralok Colony, Ballupur Road, Block-3, Dehradun, Uttarakhand. The petitioner Smt. Akansha Tiwari Sharma has preferred the present appeal in the capacity of general attorney of Shri Shubham Sharma against UPCL through Executive Engineer, Electricity Distribution Division (North), Uttarakhand Power Corporation Ltd., Dehradun, Uttarakhand (hereinafter referred to as respondent).

2. The instant appeal the petitioner has averred that her husband Shri Shubham Sharma, S/o late Nand Kishore Sharma is working in ITBP and presently posted at the border. She is the attorney general of Shri Shubham Sharma and is his wife. Her husband applied for a connection at the premises Param Vihar, Lane No. 2, Sahastradhara Road, Near Nalapani Chowk, opposite Jagdamba Gas Agency, Dehradun with the intention to avoid any domestic disputes but the respondent no. 2 and 3 have been



avoiding to give connection in collusion with her mother-in-law and elder brother of her husband and his wife. So she was compelled approached District Magistrate, Dehradun and after direction/ orders of the DM the respondents got three times security Rs. 4600.00 deposited vide receipt no. 481110225001 dated 11.02.2025 but the connection has yet not been released at her premises by the respondents for one or the other reason. However, the meter was installed at a nearby pole in the LT line but the service cable was not connected to her premises till now. However, the bill dated 30.04.2025 was issued by the respondents which was duly paid by her on 03.05.2025 although connection was not given to her. since connection was not released she approached CGRF Dehradun with a complaint no. 214/2024 but the Forum ignoring the facts available on file and relying upon the submissions of respondent no. 1, 2 and 3. Dismissed her complaint vide order dated 08.05.2025 being dissatisfied and aggrieved with Forum's aforesaid order the present appeal has been preferred based on the following points that Forum's order dated 08.05.2025 is devoid of law and against the documentary evidences available on file. The Forum ignored the facts of the case and relied upon the submissions of respondents' no. 1, 2 and 3 and passed the order dated 08.05.2025. In the hearing of the case respondent no. 1 asked for the authorization letter issued by her husband although she informed that she is the wife of Shri Shubham Sharma and is her general attorney and is contesting the case on behalf of Shri Shubham Sharma in her capacity as is general attorney.

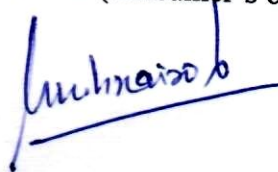
3. Respondent no. 1 took cognizance of SDM's letter whereby he cancelled DM's order dated 25.02.2025 in compliance of DM's verbal instructions. He did not consider that order issued by an authority cannot be changed or cancelled by a subordinate officer so SDM's order dated 27.02.2025 is not legally sustainable. Respondent no. 1 ignored the fact that in spite of depositing three times security on 11.02.2025 respondent no. 2 and 3 did not release the connection till 27.02.2025 and without releasing the connection at her premises bill was issued and got deposited on 03.05.2025 which is devoid of law. Forum's order dated 08.05.2025 is devoid of law and is liable to be dismissed. She has prayed that the appeal be admitted Forum order dated 08.05.2025 be dismissed and compensation be granted and be ordered to be paid by respondent no. 2 and 3 and the domestic connection applied for be released at her premises mentioned in the application.



mother Smt. Sunita Sharma. A domestic case is pending regarding the property due to which problem is being faced in releasing the connection to the petitioner.

Shri Shubham Sharma had applied for a 2 KW connection in the office of Sub Division Sahastradhara Road, Dehradun, which is the jurisdiction of SDO. SDO concerned was asked to submit a report in the matter which he has duly submitted in which he has reported as follows.

Shri Shubham Sharma resident of Param Vihar lane no. 2, Sahastradhar Road, near Nalapani chowk has submitted a duly filled application form for a new connection on 11.12.2024 in his office but the connection could not be given due to a written objection filed by his mother Smt. Sunita Sharma. The SDO vide his letter no. 335 dated 12.12.2024 asked Smt. Sunita Sharma to give detailed reasons for raising objections in release of the connection and also asked to submit documentary evidences regarding ownership of the property. Her reply was received on 26.12.2024. No documentary evidences showing her ownership right on the property were submitted. Whereafter Smt. Akansha Tiwari Sharma submitted a complaint dated 10.02.2025 before DM Dehradun in Janta Darbar on which DM ordered for necessary action in the matter by the division office. Whereafter the application of Shri Shubham Sharma for new connection was registered on online portal on 11.02.2025 and after depositing service connection charges and security line staff was directed to install meter at her premises but her mother Smt. Sunita Sharma and other family members did not allow either to install a meter and connect the connection. at the same time Smt. Akansha Tiwari Sharma and Shubham Sharma orally asked that the department should installed the meter in presence of police. On 16.02.2025 on the direction of JE the line staff installed the meter at the nearby electricity pole but due to resistance by her mother and other family members, the service cable could not be connected from meter to the premises of the applicant even other members of the family created resistance and so the connection could not be connected from meter to the premises of the applicant. Meanwhile the SDM (Judicial) Sadar Dehradun vide his letter no. 21 dated 27.02.2025 directed the Executive Engineer and SHO Police Raipur that DM's earlier orders dated 25.02.2025 are cancelled. A different sub meter be installed for Shri Shubham Sharma because sub meter (consumer's on meter at his premises) is already installed.



4. After perusal of records available on file and hearing arguments from both parties the Forum noticed that the main complaint of the complainant is regarding non-release of applied connection to the complainant's premises by the department. Forum also asked Smt. Sunita Sharma to be appear before the Forum on 17.04.2025 to present her case. Hearing with both parties as well as the third party were held on 05.05.2025. The SDO submitted a report dated 03.04.2025 with which copy of SDM Sadar's letter no. 21/27.02.2025 was also adduced vide which the Executive Engineer was directed as "जिला अधिकारी महोदय द्वारा दिए गए मौखिक निर्देशों के अनुपालन में उक्त निर्गत आदेश दिनांक 25.02.2025 को निरस्त किया जाता है चूंकि श्रीमती सुनीता शर्मा द्वारा एक वादा माता-पिता भरण पोषण अधिनियम के अंतर्गत वाद संख्या 01/2025 श्रीमती सुनीता शर्मा बनाम श्री शुभम शर्मा आदि में सुनवाई गतिमान है। उक्त वाद के निस्तारण तक वादिनी श्रीमती सुनीता शर्मा जो भूतल पर निवासरत हैं एवं विपक्षीगण शुभम शर्मा आदि प्रथम तल पर निवासरत हैं, जिस हेतु आपको निर्देशित किया जाता है कि दोनों पक्षों के मध्य अलग-अलग रूप से सब-मीटर लगाया गया है। अतः आपको निर्देशित किया जाता है कि उक्त मकान पर भविष्य में दोनों पक्षों के मध्य होने वाले वाद-विवाद व विद्युत बिल के भुगतान के कारण शांति व्यवस्था भंग हो सकती है, जिस कारण उनके मध्य पृथक रूप से सब-मीटर स्थापित सुनिश्चित करें तथा यह भी सुनिश्चित किया जाये कि दोनों पक्षों को वाद में अंतिम आदेश क उक्त विद्युत संयोजन तक किसी प्रकार की छेड़खानी न की जाये। उक्त निर्देशों का अनुपालन करते हुए अनुपालन आख्या से अधोहस्ताक्षरी को भी अवगत कराया जाये।"

In view of above discussions, the Forum noticed that DM/SDM ordered that the installed connection at the premises should not be disturbed in any way. In view of aforesaid orders, the complainant's request for giving new connection at his premises is not logical and justified. So, there is no justification to continue with the case any further and it is liable to be dismissed, accordingly the Forum dismissed the complainant vide order dated 08.05.2025.

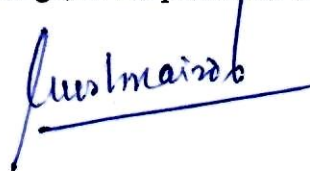
4. Respondent no. 1 Executive Engineer, EDD North Dehradun has submitted his written statement vide letter no. 2491 dated 05.07.2025 along with a notarized affidavit wherein he has submitted as follows. Shri Shubham Sharma, S/o Shri Nand Kishore Sharma has applied for a new electricity connection at his residence Param Vihar Lane No. 2 Sahastradhara Road, near Nalapani Chowk, Dehradun. It is informed that a connection at the said property is already existing in the name of his



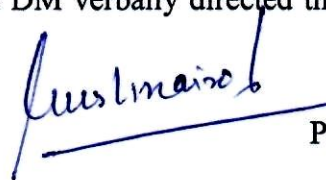
Whereafter Smt. Akansha Tiwari Sharma, W/o Shubham Sharma preferred complaint no. 214/2024 dated 06.03.2025 before the Forum. After hearing and in view of SDM Judicial, Dehradun's instructions contained in his letter no. 21 dated 27.02.2025, the Forum vide its order no. 51 dated 09.05.2025 has ordered to maintain status-quo and no foul play to disturb the status of the existing connection be done.

In compliance to order of the Court of Adhyaksh Bharan Poshan Pradhikaran dated 30.05.2025, the SDO along with JE and line staff reached at the petitioner's premises on 16.02.2025 for connecting the service cable from the outgoing terminal of the meter to petitioner's premises. At which time Smt. Akansha Tiwari her husband Shri Shubham Sharma and her mother in law Smt. Sunita Sharma and her another son were present when the outgoing service cable was being connected to petitioner's premises Smt. Sunita Sharma and his other son objected the connection of the cable. They prevented the line staff, their entry in the residence. Smt. Akansha Tiwari and her husband did also not help the staff hence the connection could not be connected to the premises of the applicant.

5. In her written statement dated 11.08.2025 she has submitted point wise replies as follows:
- i. The appeal preferred by the petitioner is baseless and is not maintainable under the law for the reasons she has explained under point i)
 - ii. The property has been vested in her through a will of her Late husband Shri Nand Kishore Sharma and the petitioner Subham Sharma and his wife Smt. Akansha Tiwari has no right in the said property, whatsoever.
 - iii. It is brought to the kind notice of the Court that the petitioner is serving in ITBP getting a handsome salary, he has been allotted a official residence also, in spite of that they have forcefully occupied a portion of the property.
 - iv. She is a old weak and widow lady and her only means of living is the family pension, she is getting being widow of Shri Nand Kishore Sharma.
 - v. The petitioner and his wife has filed a case with the Civil Judge Dehradun with the intension to harass her and to get a illegal electricity connection, but no relief has been granted by the Civil Judge, to the petitioner and his wife.



- vi. No relief was granted by the Forum to the petitioner and his wife Akansha Tiwari and have directed not to give a connection to the petitioner in the aforesaid property, which is a judicial decision.
- vii. Both the petitioner and his wife are of criminal nature.
- viii. The departmental employees under the pressure of the petitioner had tried to give the electricity connection forcibly entering the premises, but they could not succeed due to her efforts.
- ix. The Hon'ble Supreme Court has given a ruling that the responsibility of maintenance of the parents lies on their children, the old parents has the right whether they allow any of their children to reside in their property but the petitioner and his wife have forcibly occupied a portion of the property, while this property has been given to her through a will vide her Late husband.
- x. It is necessary to be brought to the notice of the Court that a loan has been borrowed on the property by her Late husband Shri Nand Kishore Sharma and her elder son Nitish Sharma, repayment of which was being made by Shri Nand Kishore Sharma and elder son during the life time of Shri Nand Kishore Sharma and after his death the installments of loan are being repaid by her and her elder son Shri Nitish Sharma.
- xi. It is also brought to notice that payment of the existing electricity connection bills are being made by her.
- xii. She is a senior citizen widow and after the death of her husband she is living with her elder son Shri Nitish Sharma and his wife Smt. Anjali Sharma on the ground floor of the property situated at aforesaid address.
- xiii. With the intention to harass her, the petitioner applied for a separate electricity connection in the month of December with electricity department. During an inspection the department found that separate sub meters were installed and were working properly.
- xiv. Objection was raised by her on 01.12.2024 before SDO, Naalapani, who asked her to file a written objection on 24.12.2024 along with all the documentary evidences.
- xv. She submitted a application dated 10.02.2025, requesting to order that the applied connection may not be given. The DM verbally directed the SDM for



necessary action. SDM ordered on 25.02.2025 for releasing the applied connection.

- xvi. As the said order dated 25.02.2025 came to her notice, she approached DM and apprised him with the facts of the case. The DM verbally ordered to the SDM not to give the connection and the earlier order be taken as withdrawn. Therefore SDM issued revised order dated 27.02.2025.
- xvii. The petitioner preferred a complaint no. 214/2024 on 06.03.2025. The Forum dismissed the complaint vide order dated 08.05.2025.
- xviii. In connection with Forum's order dated 08.05.2025, she has mentioned that 2 different sub meters are already installed in the said property which are working properly and the electricity supply is being given to the petitioner properly.
- xix. Certain points about point no. ii) of complaint no. 214/2024 has been mentioned, which are wrong.
- xx. The petitioner has given an affidavit dated 10.12.2024 before Executive Engineer under point no. v) of which she has mentioned that (यह कि उक्त सम्पत्ति के बावत भविष्य में कोई वाद विवाद होता है तो उसका समस्त उत्तरदाइत्व शपथकर्ता का होगा साथ ही विभाग को उक्त कनेक्शन को निरस्त करने का पूर्ण अधिकार होगा।)

In view of her aforesaid submissions Smt. Sunita Sharma has prayed that the appeal preferred against Forum order dated 08.05.2025 be dismissed and Forum order be upheld.

6. The petitioner has submitted a separate rejoinder in reply to the WS submitted by Executive Engineer and the third party Smt. Sunita Sharma which are being mentioned here one by one. Rejoinder dated 16.07.2025 in reply to WS dated 05.07.2025 of the Executive Engineer point wise replies are as follows in brief-

- i. The submissions made by the respondent in his WS are not acceptable being confusing and wrong.
- ii. The averments made in the first para of the WS are denied as written, it is denied that Shri Shubham Sharma has filed any case regarding new connection to be taken at his residence. Fact is this that he had applied for a electricity connections in the premises before UPCL. The respondent no. 2 and

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3 pressed him to submit NOC from the owner of the property. They obtained an order from the DM for release of connection with police help but the connection was not released by respondents even in the presence of the police. It is also denied that a connection is already existing in the said property in the name of Smt. Sunita Sharma.

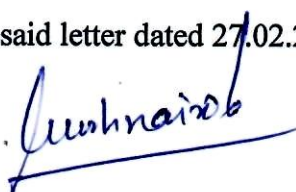
- iii. Reply against para 2 of WS is not required.
- iv. Submissions as made under para 3 of WS are denied. It is a false submission by respondent no. 2 that Shri Shubham Sharma gave an application form duly filled in on 11.12.2024 in his office. Fact is this that application for electricity connection was given on 24.10.2024.

Averment of respondent no. 2 that connection could not be given due to objection by Smt. Sunita Sharma is denied. Fact is that the respondent no. 3 in collusion with Smt. Sunita Sharma and her elder son Nitish Sharma, have obtained a written objection from them. They kept on waiting for their written objection and whereafter that written objections was made the basis for non-release of connection.

Other averments under para 3 of the WS are denied as mentioned. As regards the reference of letter of SDM (Vidhik) Sadar Dehradun, no reply is required being legal but, it is necessary to mention that the said letter was not legally maintainable as a Subordinate officer cannot cancel or withdraw the order passed by his higher officer.

- v. The averments as mentioned under para 4 of the WS are denied as mentioned, fact is this that in complaint no. 214/2024 Smt. Sunita Sharma and her elder son Nitish Sharma were made a party to the case under pressure. The instant appeal has been preferred before Hon'ble Ombudsman being aggrieved with Forum's order dated 08.05.2025.
- vi. Copy of SDM (Vidhik) Sadar Dehradun's letter enclosed as Annexure-3 is his letter no. 21 dated 27.02.2025 which is clearly mentioned in this letter that "माता पिता भरण पोषण अधिनियम के अंतर्गत योजित वाद सं० 1/2025 श्रीमती सुनीता शर्मा बनाम श्री शुभम शर्मा आदि के निस्तारण तक उक्त विद्युत संयोजन तक किसी प्रकार की छेड़छाड़ न की जाए।"

The appellant has mentioned that the said case was already decided on 30.05.2025 so, effect of SDM's aforesaid letter dated 27.02.2025 has suo moto

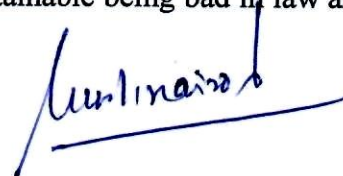


became null and void and in spite of the aforesaid decision dated 30.05.2025 the respondent no.2 have yet not released the connection till now.

- vii. The averments as made under para 5 and last para of the WS are confusing as mentioned and have been made to misguide the Hon'ble Court. It is denied that the departmental staff went at the site on 02.07.2025 in compliance to SDM's order dated 30.05.2025 to connect the outgoing service cable while fact is that the staff and officials of the respondents did went at the premises on 02.07.2025 after receipt of notice in the said appeal.
- viii. Respondent no. 2's submission under para 5 and last para of the WS which mentions that "जब वे आउटगोइंग सर्विस केबल जोड़ने गए तो सुनीता शर्मा व उसके दूसरे पुत्र द्वारा केबल जोड़ने का विरोध किया गया हो और जिसमें अपीलार्थी व उसके पति द्वारा कोई मदद न की गयी हो" is denied. Fact is otherwise. The staff did not connect the cable but said that they themselves should get the cable connected through some outside electrician.
- ix. Respondent no. 2 and 3 since beginning have been withholding the release of connection in connivance with Smt. Sunita Sharma and her elder son.
- x. The only purpose of the respondent's and staff reaching at the site was only to make a ground to get excuse of their illegal actions.
- xi. The WS submitted by respondent no. 2 is only to make a basis for excuse and to misguide the court.
- xii. The WS submitted by respondent no. 2 is not maintainable under law and is liable to be quashed.
- xiii. The WS submitted by respondent no. 2 should be quashed in view of the facts mentioned above.

6. Rejoinder dated 22.08.2025 submitted by the petitioner in reply to WS filed by Smt. Sunita Sharma dated 11.08.2025. Replies have been given as follows:-

- i. The facts mentioned in the WS dated 11.08.2025 are false; imaginary and misguiding, which are not acceptable.
- ii. WS dated 11.08.2025 is not maintainable under law as Smt. Sunita Sharma is not a party in the case.
- iii. The WS dated 11.08.2025 is not maintainable being bad in law and is liable to be quashed.



- iv. No reply is required against the para in outset.
- v. The averments made under para 1 of page 2 are false and are denied and not acceptable.
- vi. Averments under para 2 of WS dated 11.08.2025 are false and are denied. It is not acceptable that late Nand Kishore Sharma had made any will during his lifetime. Sunita Sharma has not adduced a copy of the claimed will with his WS. She should be asked to submit a copy of the claimed will before the court.
- vii. Submissions made under para 3 of WS are false and denied as mentioned.
- viii. Averments as made under para 4 of the WS are false and denied as these averments are related with criminal matters and Hon'ble Ombudsman is not empowered to hear such cases.
- ix. Averments as mentioned under para 5 of the WS are false and denied.
- x. Averments made under para 6 of the WS are denied as mentioned. The present appeal has been preferred before the Hon'ble Ombudsman being aggrieved with Forum's order dated 087.05.2025.
- xi. Averments as mentioned under para 7 of the WS are false and are denied. These averments are not concerned with the instant appeal.
- xii. Averments made under para 8 of the WS are false and are denied. Responsibility to establish her averments and allegations lies on Smt. Sunita Sharma herself.
- xiii. Averments made under para 9, 10, 11 and 12 of WS are false as mentioned and are denied.
- xiv. Averments made under para 13 of WS are false as mentioned and as are denied.
- xv. Averments made under para 14 of WS are false as mentioned and are denied.
- xvi. Averments made under para 15 of WS are false as mentioned and are denied. Smt. Sunita Sharma herself is responsible to establish her averments.
- xvii. Averments made under para 16 of WS are false as mentioned and are denied.
- xviii. Averments made under para 17, 18, 19, 20 of WS are false as written and are denied.
- xix. Averments made under para of prayer of WS are denied. Smt. Sunita Sharma is not entitled to get the relief asked for and a para is liable to be quashed.

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- xx. The averments, facts and allegations made under WS has no concerned with the instant appeal. These have been mentioned just to confuse or misguide the court and therefore not maintainable and are liable to be quashed.
- xxi. As Smt. Sunita Sharma was not a party in the present case neither she has been made a party as per legal procedure so she has no right to make any interference or make any objections in the instant case so, her WS dated 11.08.2025 is not maintainable under law and is liable to be quashed.
- xxii. In view of the facts mentioned above the WS filed by Smt. Sunita Sharma is to be quashed in the interest of justice.

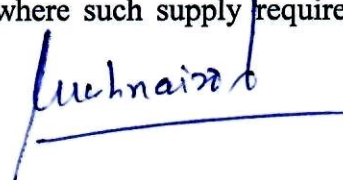
7. After adjournment of hearing dates finally 09.09.2025 was fixed for hearing. All parties appeared and argued their respective case. The third party, Smt. Sunita Sharma submitted an application dated 09.09.2025 and a copy of her application dated 08.09.2025 submitted to this DM Dehradun which bears DM's remarks dated 08.09.2025 to ASDM (Sadar) as also a copy of the will of her late husband Shri Nand Kishore Sharma along with an affidavit dated 04.09.2025, along with a photograph of the building. The SDO on behalf of the respondent's has submitted a copy of letter no. 710 dated 07.06.2025 addressed to SHO Raipur Thana Police, copy of which has been endorsed to Executive Engineer, EDD North and SDM Dehradun. The arguments were concluded and order was reserved.

8. Before arriving at a decision to decide the present petition, it is necessary to look into the necessary statutory provisions under Electricity Act, 2003, Regulatory provisions under UERC Supply Code Regulation, 2020 and Distribution Code, 2018 as well as Rulings of the judgments of the Hon'ble Supreme Court in similar case.

i. Provisions under Electricity Act, 2003

- a. Section 43 deals with duty to supply on request. Sub Section 1 provides as "(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 months after receipt of the application requiring such supply"

Comments- This section provides for supply of electricity to be given to the owner or occupier of premises by a distribution licensee within one months, or within six months where such supply requires extension of



distribution mains, commissioning of new sub-stations. If a distribution license fails to supply electricity within the period specified above, he shall be liable for a penalty which may extend to one thousand rupees for each day of default.

Grant of electricity supply- The electricity connection can be granted to an owner or occupier of the premises. The word "occupier" has been defined to mean the owner or person in occupation of the premises.

Exception from duty to supply electricity- Nothing contained in Sec. 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

The above provisions provides that the licensee is duty bound to give a connection to an applicant whether owner or occupier if applied for. Section 44 provides the circumstances under which he is prevented from so doing by cyclone, floods, storms or other occurrences. The term occupier premises and service lines are duly defined in UERC Supply Code Regulation, 2020 as given below:-

Occupier – means the owner or person in occupation of the premises where energy is used or proposed to be used.

Premises- for the purpose of these regulations means land, building or infrastructure or part of combination thereof in respect of which a separate meter or metering arrangements have been made by the Licensee for supply of electricity; In case of Agriculture connection, premises means the place of source of water in respect of which connection has been given or intended to be given by the Licensee for supply of electricity.

Service line – means an electric supply line through which energy is, or is intended to be supplied by the Licensee from a distributing main to a single or group of Consumers from the same point of the distributing main.

- ii. Further proviso to sub regulation 3.3.2 (4) provides that " in case the applicant is unable to submit any of the document listed at a) to e) above, then the applicant shall be charged thrice the amount of security as per Table 3.4 to

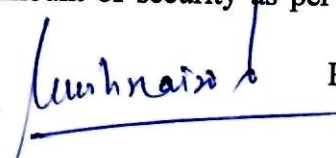


Table 3.6 of Clause (11) of Sub- regulation 3.3.3. The owner of the premises, if different from the applicant, shall not be liable for payment of any dues against such connection.

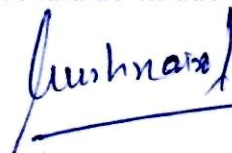
iii. The above mentioned statutory and regulation provisions provides that the licensee is duty bound to give connection to any applicant whether owner or occupier of the premises within the specified period failing which the license is liable to pay penalty. However, except under the conditions beyond control as given u/s 44 of the Act.

iv. Provisions in UERC Distribution Code, Regulations, 2018:

"4.3 (4) Low voltage consumers: The incoming terminal of the cut out/circuit breaker installed by the consumer is the boundary of low voltage consumers. The tariff metering shall be provided before a fuse unit/circuit breaker of the consumer. The metering equipment shall be provided at the entry point of Consumer Premises in a safe location, preferably at the entry of the boundary of the premises or in a common passage on ground floor or nearby safe location outside the premises for easy access for the purpose of meter reading maintenance, repairs, inspection, etc. The metering equipment shall be provided inside a box sealed by the Distribution Licensee and the User/Consumer shall not disturb the seal of the metering equipment and shall take reasonable care for upkeep and protecting the meter and equipment."

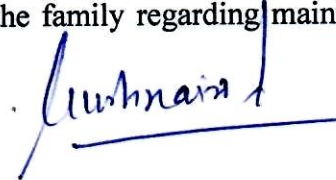
The above regulation provides that the Licensee shall give supply at the incoming terminal of the cut out /circuit breaker installed by the consumer as the case may be, that means that the service cable shall be laid down by the Licensee from outgoing terminal of the meter up to the incoming terminal of the cutout or circuit breaker installed by the consumer.

9. In the instant case Shri Shubham Sharma, an occupant of the premises i.e. he is a residence at the upper storey of the building, had applied for a domestic electricity connection in the premises occupied by him and in view of aforesaid statutory and regulations provisions the connection had to be given to him within the stipulated period. The respondent however, sanctioned the connection after getting three time security deposited by the applicant and installed a meter at the nearby pole but the service line from the outgoing terminal of the meter up to the incoming of the cutout/ MCB at the premises of the applicant could not be laid down due to objection by Smt.



Sunita Sharma claiming herself as the owner of the entire building in terms of a will by her late husband Shri Nand Kishore Sharma. Furthermore she created hindrance while the respondent's staff went to lay down the service cable even in the presence of police and thus she along with her elder son with whom she is residing in the ground floor of the building. She pleaded that connection to the premises occupied by her younger son Shri Shubham Sharma along with his wife Akansha Sharma Tiwari, has been provided a electricity connection from her connection at the ground floor through a sub meter and therefore separate connection should not be given to her, as intention of taking such a connection is to claim the ownership right on the premises. under such circumstances although the department wanted to give the connection and for that also installed the meter at the pole but the connection could not be energized as the service cable could not be drawn due to undesirable objection and hindrance created by Smt. Sunita Sharma along with her elder son. A case of maintenance of parents was also preferred before SDM Dehradun and as per the petitioner the case has already been decided by SDM's order dated 30.05.2025.

10. A perusal of records available on file reveals that the instant petition has been preferred by Smt. Akansha Sharma Tiwari on behalf of her husband Shri Shubham Sharma who was the complainant before the Forum, in the capacity of a general attorney of his husband, which is available on file, with the prayer that the connection applied for the premises occupied by her and her husband be released which is held up due to the objection and hindrance created by her mother in law Smt. Sunita Sharma along with her elder son and his wife with whom she is residing at the ground floor of the building, while the upper floor of the building has been occupied by them where they have applied for separate electricity connection. The said connection was granted by respondent UPCL on depositing three time security, billing also started and which was duly paid although the connection has yet not been energized as aforesaid.
11. In view of above statutory and regulatory provisions connection to a person who has applied for the same with the licensee and is a occupant of the premises has to be given by the licensee under section 43 of Electricity Act, 2003. Release of a connection to an applicant in the premises occupied by such a person cannot be held up or denied due to objection by a person whosoever and even if he or she may be the owner of the property. The disputes in the family regarding maintenance of parents

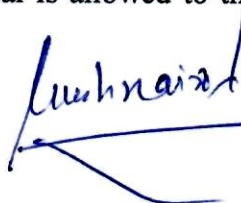


and ownership of the property is not a concern of the Ombudsman. The Ombudsman has to decide the matter regarding release of connection. The objection by Smt. Sunita Sharma and hindrance created by her along with her elder son Shri Nitish Sharma is not only undesirable but is also an offence u/s 221 of BNS as it is an act of voluntary obstruction to the public servants in discharge of their official duties (सरकारी कार्य में बाधा डालना)

12. Apart from the aforesaid statutory and regulatory provisions, the Hon'ble Supreme Court in the following similar cases have passed judgments as given below:-

12.1- Criminal appeal no. 810 of 2022, where the Hon'ble Supreme Court opined that "It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/ refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question." And the Hon'ble Supreme Court allowed the appeal and set aside the impugned order and further directed that it is however made clear that electricity supply granted, shall not be discontinued, subject to compliance by the respondents of the terms and conditions of supply of electricity by the electricity department including payment of charges for the same."

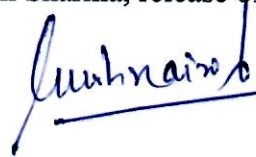
12.2- The Hon'ble Supreme Court's order dated 02.09.2011 in civil appeal no. 7572 of 2011 is as follows: " We therefore, set aside the order of the learned Single Judge as well as the impugned order of the Division Bench and dispose of the Writ petition of respondents nos. 1 to 3 with the direction that the distribution licensee will find out whether there is any other way in which electric line can be drawn for supply of electricity to the house of the appellant, other than the disputed passage in Dag Nos. 406, 407 and 409 if there is no other way to supply electricity to the house of the appellant, the distribution licensee will follow the provisions of Sub-section (2) of Section 67 of the Electricity Act, 2003 for carrying out the work for supply of electricity to the house of the appellant. The exercise will be completed within a period of six months from today and till the supply of electricity to the house of the appellant is affected through some other way, supply of electricity to the house of the appellant will not be disconnected. The appeal is allowed to the extent indicated in this judgment. No costs.



12.3- Writ petition (CRL) No. 103 of 2013, the Hon'ble Supreme Court in its judgment dated 25.06.2013 observed that section 43 of the Electricity Act, 2003 is very clear that it is the duty of the Licensee to give supply of electricity to the owner or occupier of any premises within its area and accordingly ordered the Licensee to restore electricity supply to the premises in occupation of the petitioner.

In view of above statutory and regulatory provisions as well as Hon'ble Supreme Court's judgments, it is clear that the Licensee is duty bound to give supply to an applicant not being owner of premises but be an occupant of the premises where the connection is wanted, it is no concern of the Licensee to see whether the applicant is an authorized or unauthorized occupant of the premises. Further owner of the property has no right to raise any objection in giving a connection in the premises occupied by the applicant. Any obstruction or hindrance created by the so called owner of the property in giving the connection in the premises of the applicant requiring laying a service cable from the outgoing terminal of the meter up to the incoming terminal of the cut out or the circuit breaker as may be the case, that might have been installed by the consumer at the premises for receiving the supply and after completion of this process only a connection is treated to have been released.

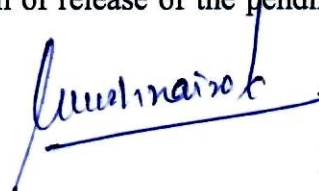
In the instant case the property has 2 floors, the ground floor and the first floor. The petitioner has occupied the premises at first floor or upper floor where she is residing with her family (the instant petition has been preferred by his wife Smt. Akansha Sharma Tiwari in the capacity of general attorney of her husband Shri Subham Sharma who was the complainant before the Forum). There is a family dispute between the petitioner and his mother Smt. Sunita Sharma and her elder son Shri Nitish Sharma with whom she is living at the ground floor and she has claimed her to be the sole owner of the property by virtue of the will of her late husband Shri Nand Kishore Sharma and she has objected in giving a separate connection to the petitioner and has not given NOC and has also created obstruction in releasing the connection by the respondents by laying the service cable. The petitioner therefore deposited three times security for taking connection as admissible under rules consequently the respondents sanctioned the connection and tried to release the connection by laying service cable but due to obstructions created by the aforesaid Smt. Sunita Sharma and her elder son Shri Nitish Sharma, release of connection could



not materialized however respondents installed the meter at the pole and also started issuing bills which were also paid by the petitioner but the connection has still not been released factually. Smt. Sunita Sharma also claimed that supply in the premises occupied by the petitioner at the upper floor is already been given by her from her existing connection at the ground floor through a sub meter and also claimed that connection if given to the petitioner it will amount to a tempering with her existing meter and connection.

13. Keeping in view the aforesaid statutory and regulatory provisions as well as Hon'ble Supreme Court's judgment mentioned above it is clarified that:-

- i. The respondents are duty bound to give connection to an applicant as mandated u/s 43 of Electricity Act, 2003 except under the circumstances such as cyclone, floods or storms beyond control as provided u/s 44 of the Act (however, it is not the condition in the instant case).
- ii. Nobody, whether claiming herself/himself to be a factual owner of the property, has any right to raise any objection in giving a connection to an applicant being an occupier of the premises where connection has been applied, no matter such a premises be the property of someone else. It is also clarified that having a electricity connection in a premises by an occupant for the time being not being the owner of such a premises does not qualify such a person to claim ownership right on the premises simply on the basis of having an electricity connection so, the objections raised by Smt. Sunita Sharma in giving connection does not sustain and is therefore overruled.
- iii. Creating obstruction or hindrance in discharging their lawful duty for laying service cable to complete energization of the pending connection, as has been the case here as per evidences available on file due to which pending connection could not be released till now is not only uncalled for but is also an offence under section 221 of BNS being voluntary obstruction to public servants in discharging their duty so, Smt. Sunita Sharma and her elder son Shri Nitish Sharma are advised to refrain from such action and they are also restrained from causing any obstruction in laying the service cable in the prescribed manner to ensure completion of release of the pending connection in favor of the petitioner.

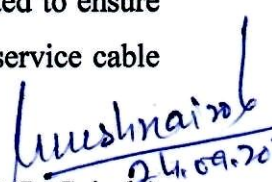


- iv. Release of connection to the petitioner in the premises occupied by her/her husband is no way a cause of tampering with Smt. Sunita Sharma's existing connection and the meter of this connection.
 - v. Giving supply to the petitioner in the premises occupied by her / her husband at the upper floor from the existing connection of Smt. Sunita Sharma is illegal and is also comes under the category of unauthorized use of electricity under section 126 sub section 6 (v) of Electricity Act, 2003 which is reproduced here (for the premises or areas other than those for which the supply of electricity was authorized) and is therefore is liable for necessary action in accordance with relevant UERC Regulations, if such supply continues.
14. In view of the aforesaid statutory and regulatory provisions as well as Hon'ble Supreme Court's above mentioned judgments, the respondents are directed to factually release the connection in favor of the petitioner by laying service cable from outgoing terminal of the meter which has already been installed at the nearby pole upto the incoming terminal of the cutout or the MCB as installed by the petitioner at her premises for receiving the supply. The date of laying of the service cable shall be the actual date of release of connection and billing shall start from the said date. Further any bill issued prior to that date is wrong and is therefore be withdrawn being a fictitious bill and any payment made by the petitioner against such fictitious bill or bills be refunded by way of adjustment in the future bills to be issued w.e.f. the date of the factual release of the connection in the manner aforesaid. Further the respondents are at liberty to take protection of administration and police if any obstruction is created by Smt. Sunita Sharma, and her elder son or anybody else in laying a service cable to energize the pending connection in favor of the petitioner.
15. Such being the case the petition is liable to be allowed and Forum order is liable to be set aside.

Order

The petition is allowed. Forum order is set aside. Respondents are directed to ensure release of connection expeditiously in favor of the petitioner by laying service cable in the manner as aforesaid, under para 14 of the award.

Dated: 24.09.2025


(D. P. Gairola)
Ombudsman

Order signed dated and pronounced today.

Dated: 24.09.2025

(Signature)
(D. P. Gairola)
Ombudsman
24.09.2025