

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Mahendra
S/o late Shri Jagram
R/o Village & Post- Belda, Roorkee
Haridwar, Uttarakhand

Vs

1. The Executive Engineer, Electricity Distribution Division (Urban)
Uttarakhand Power Corporation
Haridwar, Uttarakhand.
2. Smt. Shanti Devi
W/o late Shri Hari Singh
R/o- 199/34
Near 1st Lane, Degree College Road
Govindpuri, Haridwar, Pargana, Jwalapur, Haridwar

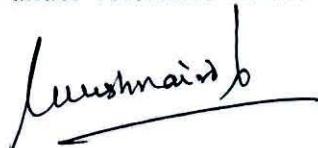
Representation No. 18/2025

Award

Dated: 06.11.2025

Present appeal/ representation has been preferred by the appellant Shri Mahendra S/o Late Jagram (Petitioner) against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 10.01.2025 in complaint no. 282/2024 by which Ld. Forum has allowed the complaint of the complainant Smt. Shanti Devi W/o Late Shri Hari Singh, 199/34, Near 1st Lane, Degree College Road, Govindpuri, Jwalapur, Haridwar, Uttarakhand (Respondent R2) against UPCL through Executive Engineer, Electricity Distribution Division (Urban), Uttarakhand Power Corporation Ltd. Haridwar, Uttarakhand (hereinafter referred to as respondent R1).

At the outset it is clarified that complainant in complaint no. 282/2024 was Smt. Shanti Devi, W/o late Hari Singh before the Forum. However, the instant appeal has been preferred by Shri Mahendra, S/o late Jagaram, Village and Post Belda (Roorkee) being aggrieved and affected with Forum's order under reference in the aforesaid complaint.



2. The petitioner Shri Mahendra in his instant appeal dated 19.04.2025 has averred as follows:-

- i. The appellant is a co-owner in undivided property no. 199/34, Govindpuri near 1st lane Degree College Road, Haridwar (the property is registered as no. 2075/1629 in Nagar Nigam). The property was purchased by him and his brother Shri Hari Singh on 23.11.1970 which is legally registered in their name in which he is a co-owner.
- ii. The UPCL has given 03 nos. connections on the said property (connection no. 692/0622/780404 disconnected, 696/0622/130844 and 692/0622/006662) at the time of taking the aforesaid connections Smt. Shanti Devi produced a fabricated affidavits dated 25.08.2017 and 06.05.2019 before UPCL. The said affidavits were never given by him. Both the above affidavits are false and fabricated.
- iii. He had submitted an application before UPCL on the basis of the aforesaid fabricated affidavits with the request that the aforesaid all the three connections be disconnected. In response the Executive Engineer, UPCL in cognizance of the facts and evidences produced by him informed vide his letter dated. 30.08.2023 that connection no. 692/0622/780404 in the name of Smt. Shanti Devi at the said property was disconnected by the Junior Engineer on 06.08.2023.
- iv. While the aforesaid connection was already disconnected by the department and action for disconnection of the other two connection was under process meanwhile Smt. Shanti Devi, W/o late Hari Singh preferred a suit no. 375/2023 before the Court of Civil Judge, Junior Division, Haridwar. The said suit was dismissed by the Hon'ble Court on 26.09.2024.
- v. After dismissal of the said case by the Hon'ble Civil Court Smt. Shanti Devi preferred a complaint before CGRF, Haridwar.
- vi. UPCL vide letter dated 20.01.2025 informed him that Smt. Shanti Devi preferred a complaint before CGRF Haridwar against the action being taken by UPCL against the aforesaid connections. The Forum decided the complaint no. 282/2024 vide order dated 10.01.2025 with the direction that the connections under reference may not be disconnected.

vii. He requested the Forum to make him a party in the aforesaid complaint but his request was turned down by the Forum although his interests were being affected by the complaint of Smt. Shanti Devi.

viii. After getting to know about the case, he requested the Forum vide letter dated 21.02.2025 to give him certified copies of all the documents related with the case.

ix. In response to his aforesaid application dated 21.02.2025, no documents were made available to him by the Forum and only said vide Forum's letter dated 25.02.2025 that details of the desired documents have not been given.

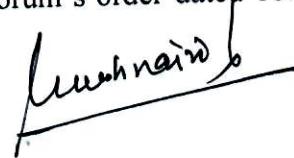
x. He again requested the Forum mentioning the details of the desired documents vide his letter dated 05.03.2025 with the request that certified copies of all the documents be given to him.

xi. In reply to his letter dated 05.03.2025 no documents were given by the Forum but asked vide letter dated 10.03.2025 to give details of all the desired documents. Further intimated that case no. 282/2024 was not registered in Forum's office.

xii. He again requested vide his letter dated 18.03.2025 along with details of the desired documents to give him certified copies of all the documents. Further he intimated that Forum office informed him about complaint no. 282/2024. Further the said number of the case was informed by UPCL to him.

xiii. In response to his letter dated 05.03.2025 while no documents were made available to him by the Forum but informed vide letter dated 26.03.2025 that case no. 282/2024 was not registered in Forum's office but asked him to be present before the Forum on 04.04.2025 to submit his case.

xiv. He appeared before the Forum on scheduled date on 04.04.2025 and orally submitted his case and after inspection of the case file no. 282/2024 requested the Forum to give him certified copy of the complete file of the case but the Forum only gave him a copy of its order dated 10.01.2025 and 16 pages of the complaint and reply was given to him on 04.04.2025. He had objection for not making him available certified copy of the complete case file of complaint no. 282/2024. He has requested that the Hon'ble Ombudsman may kindly order to get him available certified copy of the complete case of the aforesaid complaint as he has objection on Forum's order dated 10.01.2025 in the said



complaint. Further some additional submissions have been made by him as follows:-

- a. The documents and affidavit submitted by Smt. Shanti Devi along with application for new connection were fabricated and false which are perhaps not acceptable under Supply Code, 2020.
- b. The Forum in its order have referred the Fundamental Rights of the complainant. It's necessary to see that whether the Fundamental Rights can be claimed on the basis of the false and fabricated documents.
- c. While electricity may be a fundamental necessity of a citizen but the fabricated and false documents cannot be a basis for getting this facility.
- d. The Forum has erred in deliberating the case in fact it is a three partie matter but the Forum has considered as a bipartite matter and have heard only two parties.
- e. Hearing of this matter by the forum after Ex-parte decision by the Hon'ble Civil Court, Haridwar is a matter which needs a thought.
- f. His interests are being affected by Forum order.
- g. In the complaint the complainant did not raise the question of co-ownership of the property while the Forum in its order has mentioned the matter of co-ownership of the property.
- h. While he has requested the Forum for giving him certified copies of all the documents of the file but the same was made available to him on 04.04.2025.

He has objection on forum's order dated 10.01.2025 and being aggrieved with the same this appeal is being preferred with the request that permission be granted to prefer the instant appeal which may kindly be admitted. A copy of Forum's order dated 10.01.2025 has been adduced with the appeal.

3. The forum therefore ordered that: -

“मंच द्वारा उभय पक्षों को सुना गया एवं पत्रावली का अवलोकन किया गया।

पत्रावली पर उपलब्ध अभिलेखो एवं सक्षों के अवलोकन से यह विदित होता है कि परिवादिनी के प्रश्नगत परिसर पर, संयोजन संख्या /6920622780404, 04 किलोवाट विद्युत भार पर, श्रीमती



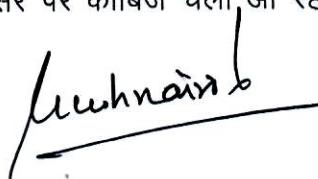
शांति देवी के नाम पर दिनांक 24.05.2019 से गतिमान है। संयोजन संख्या 6920622006662 02 किलोवाट विद्युत भार पर, श्री हरि सिंह के नाम पर दिनांक 05.06.1976 से गतिमान है संयोजन संख्या / 69220622130844, 10 किलोवाट भार श्री हरि सिंह के नाम पर, दिनांक 26.08.2017 से गतिमान है। प्रश्नगत परिसर के सह-स्वामित्व के कथनानुसार संयोजन संख्या 6920622780404 तथा 6960622130844 के सापेक्ष उनके नाम से प्रस्तुत किये गये अनापत्ति (शपथ) पत्र पूर्णतः फर्जी है। श्री आशुतोष सोती (नोटरी, हरिद्वार) क्षरा भी पंचि की गई है कि प्रश्नगत शपथ पत्र उनके द्वारा सत्यापित नहीं है।

पत्रावली में उपलब्ध अभिलेखों से विदित होता है कि प्रश्नगत परिसर का स्वामित्व श्री महेन्द्र सिंह एवं श्री हरि सिंह के नाम है। श्री महेन्द्र सिंह द्वारा पत्रांक शून्य दिनांक 08.09.2023 के माध्यम से स्वीकार किया गया है कि वह उक्त प्रश्नगत परिसर का सह-स्वामित्व रखते हैं। पत्रावली में उपलब्ध अभिलेखों से यह भी विदित होता है कि उक्त परिसर पर वर्तमान में स्व0 श्री हरि सिंह की पत्नी परिवादिनी श्रीमती शांति देवी काबिज चली आ रही है तथा उनके द्वारा उक्त परिसर पर संयोजित विद्युत संयोजन संख्या 6920622780404, 692062200662 एवं 6960622130844 के माध्यम से विद्युत सुविधा का उपभोग किया जा रहा है। प्रश्नगत परिसर पर सभी स्वामित्वधारियों द्वारा विद्युत जैसी मूलभूत सुविधा प्राप्त करने का अधिकार है तथा प्रश्नगत परिसर पर, स्पष्ट रूप से, सक्षम स्तर से हिस्सेदारी तय हो जाने के उपरांत प्रत्येक हिस्सेदार के लिए विद्युत संयोजन के संबंध में परिभाषित परिसर का निर्धारण किया जा सकता है। विपक्षी विभाग द्वारा उक्त प्रश्नगत परिसर पर निर्गत संयोजन, परिसर के सह-स्वामित्व को दिया गया है तथा उक्त संयोजनों के सापेक्ष प्रस्तुत अनापत्ति/शपथ पत्र के फर्जी होने के आधार पर, परिवादिनी के उक्त संयोजनों को विच्छेदित कर, मूलभूत सुविधा से वंचित रखा जाना कदापि उचित नहीं ठहराया जा सकता है।

अतः उपरोक्त तथ्यों एवं साक्षयों के आलोक में मंच की राय में, विपक्षी विभाग द्वारा, दिनांक 16. 12.2022 एवं 24.07.2023 को जारी पत्र/नोटिस के आधार पर, परिवादिनी के परिसर पर गतिमान किसी भी संयोजनों को विच्छेदित न करते हुए, प्रश्नगत परिसर पर काबिज चली आ रही परिवादिनी को विद्युत जैसी मूलभूत सुविधा से वंचित न किए जाने की आवश्यकता है।

आदेश

परिवादी द्वारा प्रस्तुत यह परिवाद स्वीकार किया जाता है। विपक्षी विभाग को आदेशित किया जाता है कि वह जब तक किसी सक्षम स्तर से प्रश्नगत परिसर में सह-स्वामित्वधारियों की हिस्सेदारी तय न हो तब तक यह प्रश्नगत परिसर पर काबिज चली आ रही परिवादिनी श्रीमती



शान्ति देवी के नाम पर निर्गत विद्युत संयोजनों को विच्छेदित न करते हुए विद्युत सुविधा जारी रखें।"

4. Written Statement by the Executive Engineer (R1)

The respondent no. 1 has submitted his written statement along with notarized affidavit dated 10.06.2025. Point wise replies has been submitted as follows:

- i. As per regulation 2 (1) (e) of UERC (Appointment and Functioning of Ombudsman) Regulations, 2004 the appellant cannot be considered a complainant for the purpose of present representation.
- ii. As per regulation 2 (1) (f) the appellant has not filed any complaint either before Forum or before Hon'ble Ombudsman, however in the present case the appellant has not filed any such letter or application before the Forum therefore the present representation cannot be entertained by Hon'ble Ombudsman.
- iii. As per regulation 5 (1) "any complainant who is aggrieved by order of the Forum" can make a representation. In the present case the appellant is neither a complainant nor he has filed any complaint before Forum, therefore the representation is non est in law and deserves to be rejected.
- iv. It is hereby stated that Smt. Shanti Devi had filed a complaint before the Forum which was decided vide order dated 10.01.2025. It is stated that the present representation is wholly misconceived, non maintainable and without any locus standi as the appellant was not a party to the original proceedings before the forum. The appellant being a third party to the original proceedings is precluded from invoking the jurisdiction of Hon'ble Forum.
- v. It is submitted that the Hon'ble Ombudsman being a statutory quasi judicial authority is bound by the provisions governing the eligibility to file a representation. The appellant having no direct grievance adjudicated by the Forum is attempting to misuse the appellate Forum to ventilate issues that are not legally tenable. Accordingly the present representation is liable to be dismissed at the threshold.
- vi. Appellant in the present case has challenged the impugned order, since he was not a party before the Forum. The appellant has no locus standi to challenge the impugned order.



vii. The appellant in his representation has raised arguments regarding alleged fraud and misrepresentation committed by Smt. Shanti Devi, it is necessary to state that the adjudication of such allegation are false sparely outside Ombudsman's jurisdiction. Therefore the representation deserves to be rejected at the outset.

Para Wise reply

viii. Pare i) is denied for want of knowledge as it does not pertain to the answering respondent.

ix. Para ii) is admitted only to the extent that UPCL has granted electricity connections remaining contents are denied.

x. In reply to para iii) it is stated that the averments made by the appellant arise from separate causes of action, for such grievances the appellant must first file a proper complaint before the appropriate property and if unsatisfied by redressal given by UPCL, he could approach the Forum and thereafter the Hon'ble Ombudsman.

xi. In reply to para iv) it is stated that the appellant is attempting to involve the answering respondent in a personal family feud, in which the respondent has no concern. Whether Smt. Shanti Devi was pursuing Civil remedies or not is beyond the purview of the Hon'ble Ombudsman and control of the respondent.

xii. Para no. v) and vi) are admitted only to the extent that they r matters of record.

xiii. Para no. vii) does not call for any reply.

xiv. Para viii) to xiv) are denied for want of knowledge.

xv. Para no. (a) is wrong, false and denied.

xvi. Para no. (b) to (d) are denied for want of knowledge.

xvii. Para no. (e) is admitted only to the extent that one Civil Suit filed by Smt. Shanti Devi was dismissed.

xviii. Para no. (f) is wrong false and denied.

xix. Para no. (g) is denied for want of knowledge.

xx. Para no. (h) is denied for want of knowledge

xxi. It is submitted that the present representation has been filed by an appellant who was not a party to the original proceedings before the Forum. Regulations governing functioning of Ombudsman restrict the right to file a representation by a complainant who has first approached the Forum and is aggrieved by its order. In the present case appellant being a third party has neither filed a

complaint before the Forum nor participated in the proceedings leading to impugned order therefore representation is not maintainable and deserves to be rejected at the threshold.

xxii. Permitting a third party to file representation before Hon'ble Ombudsman would not only defeat the procedural safeguard embedded within the regulatory framework but would also open floodgates for unwarranted and frivolous litigations undermining the sanctity and finality of decisions rendered by Forum. The regulatory schemes limits the scope of representation to actual complainants seeking redressal of grievances. The appellant having being no locus standi in the present matter cannot be permitted to bypass the prescribed process.

In view of the forgoing submissions it is most humbly prayed that Hon'ble Ombudsman may kindly reject the present representation as being non maintainable having been filed by a third party. The answering respondent craves the indulgence of Hon'ble Ombudsman to dismiss the representation thereby upholding the procedural sanctity and fairness mandated under the applicable regulations.

5. **Written Statement dated 23.08.2025 by Smt. Shanti Devi (R2)**

The instant appeal has been preferred by the petitioner based on false averments which is liable to be dismissed being void of law.

- i. Para i) admitted.
- ii. Para ii) to xiv) are denied. All other averments of the appeal are not acceptable

Special submissions: -

- i. Her husband Late Hari Singh is a co-owner of 1/2 portion of the disputed property, who had expired on 21.11.2018. She and her son Ajay Kumar, Sanjay Kumar and daughter Rashmika are the legal heirs of her husband. Her sons has no objections about the property.
- ii. An application for a 4 KW connection was submitted by her before the department on 09.05.2019 with completion of all formalities.
- iii. A connection no. 6920622006662 is already in existence since 1970 in the name of her late husband Hari Singh and another connection no. 6920622130844 was



also taken by her husband during his life time. The said connection was got permanently disconnected by her after clearing all dues.

- iv. After site inspection and checking of all the documents department asked her to deposit security. A sum of Rs. 2,200.00 including Rs. 1,900.00 security and Rs. 600.00 service line charges was deposited by her on 22.05.2019
- v. After depositing the aforesaid amount connection no. 6920622780404 was released by the department in her favour, which she has been using since the date of its release and bills have duly been paid regularly.
- vi. A connection no. 6920622006662 for 2 KW load is also existing in the name of her deceased husband since 1970, which is still in use and bills against the said connections were regularly being paid by her and no dues are outstanding against her.
- vii. The said connection was released in accordance with Supply Code regulations. 2020 after submitting all the documents as required under the said regulation. The connection was released after checking the documents by the department.
- viii. She has been making payment of the bills regularly and no dues are outstanding till date.
- ix. She received a letter dated 19.12.2022 from the department wherein she was asked to submit within 2 days the NOC issued by Shri Mahendra Singh, failing which the connection shall be cancelled.
- x. Her late husband Hari Singh is a co-owner of 1/2 portion of the property and now she is the co-owner of that portion being his legal heir and therefore she is entitled to get a connection at the said premises.
- xi. All the documents were provided to the respondent no. 2 and connection was released in accordance with Supply Code regulation 2020.
- xii. As per ruling of Hon'ble Supreme Court she has the fundamental right to get the connection and the connection was released in her favour in accordance with the said ruling. No dues against any of the 2 aforesaid connections are outstanding.
- xiii. Komal Chaudhary D/o Mahendra Singh is posted as SDO in Urja Bhawan, the department has been pressing to disconnect the electricity connection under her pressure. Further if Shri Mahendra Singh brother of her husband has any right in the property, he may approach the Civil Court for getting the disputed property. He is making undesirable pressure under the influence of his daughter and due to which the department is bent upon to disconnect all the 3 connections.

- xiv. Reply to the notice dated 16.12.2022 was duly given vide letter dated 06.01.2023 through her counsel Shri Anil Kumar Gupta, but inspite of receiving the said reply the department again sent a notice dated 24.07.2023 and threatened to disconnect the supply.
- xv. She made all efforts verbal or through reply of the notice for not to disconnect the aforesaid connections and do not create any hindrance but the respondent no. 2 under the pressure of one SDO are bent upon to disconnect the connections. She therefore filed a Civil suit no. 375/2023 before Civil Court Haridwar which was dismissed on 26.09.2024. The department immediately came to disconnect the supply, while they had no right to disconnect the connections under supply code regulations 2020. The Forum had the jurisdiction to hear her case.
- xvi. Neither Forum nor Ombudsman has the jurisdiction to hear the case of property dispute, therefore the appeal is liable to be dismissed.
- xvii. Forum after perusal of facts and evidences as well as hearing has passed order dated 10.01.2025, which is consistent with law and regulations and therefore there is no need to interfere with Forum's aforesaid order.
- xviii. The appellant was not a party in the complaint before the Forum therefore he has no right to prefer the present appeal against Forum order dated 10.01.2025.
- xix. The above referred Forum's order dated 10.01.2025 is consistent with law and therefore the instant appeal is liable to be dismissed.

6. **Rejoinder dated 27.06.2025 by the petitioner on written statement of R1: -**

- i. In contravention to respondent's averment under para i) referring sub para 2 (1) (e) the petitioner has submitted that sub regulation 2 (1) (e) (i) is applicable in his case.
- ii. Against para ii) of written statement wherein the respondent referring sub regulation 2 (1) (f) has submitted that the petitioner is not entitled to prefer the instant appeal. The petitioner has submitted that respondent's averment is wrong as a complaint was lodged by him before the Forum on 19.12.2024.
- iii. The averment under para 3 of WS is not correct fact is this that a number of complaints were made before UPCL in reference of which the UPCL disconnected the supply.
- iv. Respondents averment under para 4 that no application was given to the Forum is not correct, the fact is this that application dated 19.12.2024 was

submitted to the Forum in which request was made to the Forum to make him a party in the case while he is not a third party in the case but he is a consumer as well as a complainant in terms of sub regulation 2(1)(e)(f)(g) of UERC Appointment of Ombudsman, 2004 is a consumer as also a complainant.

v. Averments under para 5 of the WS are not correct. He is a consumer as well as complainant being co-owner of the property.

vi. He has approached the Hon'ble Ombudsman because the Forum has passed order ignoring the relevant rules.

vii. The facts of the case are being brought to the notice of Hon'ble Ombudsman through the instant petition, the Hon'ble Ombudsman is fully authorized to decide the petition and pass order.

viii. Averments under 8 of WS that para 1 of representation is denied for want of knowledge is not correct. Mrs. Shanti Devi adduced same registry on the basis of which the petitioner is a co-owner of the property.

ix. Averments under para 9 of WS are not correct because the fake documents submitted by Smt. Shanti Devi on the basis of which she got the connection. UPCL has the right to take legal action in that case and after perusal of these documents which are under UPCL custody her connection was disconnected by UPCL.

x. Reply of averments under para 10 has already been covered under para 2 and 4 of this rejoinder.

xi. Averments under para 11 is completely wrong, a civil suit was filed by Smt. Shanti Devi before Civil Court, Haridwar in which UPCL accomplished role of defense.

xii. The respondent has accepted para 5 and 6 of his complaint, the instant representation has been preferred against Forum order dated 10.01.2025 in complaint no. 282/2024 in compliance of which the connections were not disconnected.

xiii. Averments under para 13 of WS are completely false because Hon'ble Ombudsman has admitted his appeal and the respondent has also submitted his case before him.

xiv. Para 8,9,10,11,12,13 and 14 have been denied by the respondent for want of knowledge. Fact is this that the factual facts have been averred in above paras of his petition.



- xv. The petitioner has approached the Hon'ble Ombudsman as per his own knowledge of law.
- xvi. Averments made under para 16 of WS are denied because all the facts are as per the facts of the case. Smt. Shanti Devi has approached the court under Forum for her own benefit which has caused financial and mental loss to him.
- xvii. The Hon'ble Ombudsman has admitted his petition and it is prayed that he be kind enough to grant the reliefs requested for vide his letters dated 19.04.2025 and 19.05.2025.
- xviii. It is requested that a date may kindly be fixed for arguments in the case.

7. **Rejoinder in reply to WS dated 25.08.2025 of Smt. Shanti Devi (R-2): -**

- i. Para 1 of his representation dated 19.04.2025 has been completely admitted by Smt. Shanti Devi under para 1 of her WS.
- ii. Para 2 of his representation has been denied by the respondent. At the time of taking connection from UPCL she submitted fake affidavits dated 25.08.2017 and 06.05.2019 to the UPCL, the notary Shri Ashutosh Soti has confirmed vide his letter dated 16.08.2023 both the affidavits submitted by Shanti Devi were not verified by him as these affidavits do not have his signatures and seal.
- iii. Para 3 of representation have been denied by her in her WS. He has requested UPCL to disconnect all the three connections taken by submitting the fake affidavits. In cognizance thereof UPCL Executive Engineer has informed him vide his letter dated 30.08.2023 that connection no. 692/0622/780404 was disconnected on 06.08.2023.
The Executive Engineer in his reply in case no. 375/2023 before Civil Court Haridwar (Smt. Shanti Devi, W/o late Hari Singh vs Executive Engineer, EDD Urban Haridwar) that aforesaid connection was temporarily disconnected on 06.08.2023.
- iv. Para 4 of the petition was denied by the respondent while the suit no. 375/2023 filed by her in the court of civil Judge, Junior Division Haridwar which was filed on 14.08.2023 was dismissed by the Court on 26.09.2024.
- v. Para 5 and 6 of the petition has been denied by her consequent upon dismissal of her suit by the civil court Haridwar, she preferred a complaint before Forum which was registered there as complaint no. 282/2024 and was decided by



order dated 10.01.2025 against which the present petition has been preferred by him.

vi. Para no. 7,8,9,10,11,12,13 and 14 of the petition has been denied by her while the factual facts have been averred by him under the aforesaid paragraphs of his petition.

Special Averments

i. The property no. 199/34, Govindpuri, Near 1st street, Degree College Road, Haridwar in which he is a co-owner was got registered as property no. 2075/1629 in Nagar Nigam Haridwar in her name fraudulently and on having come to know about this he has made a complaint in the Nagar Nigam Haridwar and taking cognizance of his complaint authorities of Nagar Nigam registered the said property jointly in the name of Smt. Shanti Devi, W/o late Hari Singh and Shri Mahendra, S/o Shri Jagram.

ii. Under RTI dated 11.05.2023 information was asked for regarding connections given on the property under joint ownership, in reply of whch UPCL vide its letter dated 20.05.2023 informed that electricity connection on a property of joint ownership is given in a single name but NOC from the other co-owner is taken in such a case, he has mentioned that no such affidavit was ever given by him.

iii. All the connections under reference are illegal because these connections have been taken on the basis of false and fake documents and it is therefore not correct to continue these three connections out of which one as mentioned above has already been disconnected because his interests are being affected if these connections continue.

iv. Out of the three connections taken illegally by the respondent, one has already been got permanently disconnected by her.

v. In reply to his RTI the UPCL informed vide letter dated 11.07.2023 that as per relevant UERC Supply Code Regulation, 2020 (3.1, 13) "there shall not be more than one connection in the name of an applicant/ consumer under the same category within the same premises" while in contravention of the above regulatory provision the respondent has managed to take more than one connection in the same premises and thus UPCL has violated the regulatory provisions for giving these connections.



vi. In spite of his objection UPCL has given these connections in violation of the regulations.

vii. The respondent no. 1 (Executive Engineer) in his defence the facts mentioned in his affidavit before the Hon'ble Ombudsman are different from those given by him in Civil Court Haridwar in case no. 375/2023.

viii. He has prayed that treating his rejoinders as the part of his petition, the reliefs sought for may kindly be granted in the interest of justice and a date for arguments may kindly be fixed.

8. 24.09.2025 was fixed for hearing in the case. All parties appeared and orally submitted their respective case. Respondent no. 2 Smt. Shanti Devi in addition to oral submissions also submitted certain documentary evidences which were also taken on record. Arguments were concluded order was reserved.

9. Records and documents available on case file were perused, arguments from all parties were heard. Forum's file of complaint no. 282/2024 of Smt. Shanti Devi was summoned from the Forum and also gone through.

10. As both the respondents viz UPCL and Smt. Shanti Devi raised objections about maintainability of the instant petition of Shri. Mahendra on various grounds including that the petitioner Shri Mahendra was not a party before the Forum in the said complaint of Smt. Shanti Devi as also the Ombudsman has no jurisdiction to entertain this appeal, in their respective WS as well as during hearing so it is necessary to explain and clarify as to why this appeal has been admitted by the undersigned. While, it is a fact that Shri Mahendra was not a party before the Forum in the complaint under reference, but it is also a fact that he is a person affected by Forum's order dated 10.01.2025 passed in Shanti Devi's complaint no. 282/2024. From the records it is evident that he was very much concerned with the two number connections referred in the records given by UPCL to Smt. Shanti Devi in which she submitted NOC and affidavit claimed to have been issued by Shri Mahendra but as per documents available on file and submission of the concerned notary it is suggested that the NOC and affidavits were not given by Shri Mahendra and thus such documents appears to be fake and fabricated and therefore Shri Mahendra has been approaching to the UPCL for getting these connections disconnected. Two notices were issued to Smt. Shanti Devi in this connection but connections were not disconnected and three number connections as per records and as admitted by the

Forum in its order dated 10.01.2025 are still continuing at the premises of Smt. Shanti Devi who has claimed that electricity bills against these connections are being paid regularly and nothing is outstanding against these connections. These connections are no. 6920622780404 for 4 kw in the name of Shanti Devi since 24.05.2019, connection no. 6920622006662 for 2 kw in the name of Shri Hari Singh since 05.06.1976 and connection no. 69220622130844 for 10 kw in the name of Shri Hari Singh since 26.08.2017. A perusal of Forum order suggest that the Forum took cognizance that Shri Mahendra was agitating in the matter because two number connections were taken by Smt. Shanti Devi on the basis of fake and fabricated NOC and affidavits. The Forum has referred Mahendra also in its order at a number of places. A letter of Mahendra Singh dated 08.09.2023 addressed to Executive Engineer in reference to Executive Engineer's letter dated 30.08.2023 is also mentioned in Forum's order. It is evident from these documents that the complainant Smt. Shanti Devi herself before the Forum as well as the Forum were aware that Shri Mahendra is agitating in the matter and had the apprehension that he may be affected or be aggrieved with Forum's order. As a matter of fact the Forum should have made him a party in the complaint and should have provided him opportunity to put up or argued his case which was not done. In view of the circumstances and facts explained above it is thought expedient and in the interest of justice to admit the instant representation/ petition of Shri Mahendra before undersigned in spite of objections raised by both the respondents viz the UPCL and Smt. Shanti Devi.

11. The case in brief is that there is a property as mentioned in the documents belonging to Shri Jagram his two sons Shri Mahendra (who is the petitioner here) and Shri Hari Singh are the co-owners of one by two part (1/2) of the property which is still undivided. Smt. Shanti Devi, W/o late Hari Singh who expired on 21.11.2018 is the owner of half of the property which was under the ownership of her late husband being his legal heir. Three connections as mentioned under para 10 above are still existing and are operative at the said premises which is occupied by Smt. Shanti Devi and payments of these connections are up to date and no dues are outstanding. The petitioner has claimed that connection no. 6960622130844 and 6920622006662 were taken by Smt. Shanti Devi by submitting fake and fabricated NOCs and affidavits and therefore he approached the UPCL to disconnect these two connections. However, these connections were not disconnected by UPCL. Smt. Shanti Devi approached the



Forum with complaint no. 282/2024 the Forum decided the complaint vide its order dated 10.01.2025 wherein the complaint was allowed. The relevant part of the order is reproduced below : परिवादी द्वारा प्रस्तुत यह परिवाद स्वीकार किया जाता है। विपक्षी विभाग को आदेशित किया जाता है कि वह जब तक किसी सक्षम स्तर से प्रश्नगत परिसर में सह-स्वामित्वधारियों की हिस्सेदारी तय न हो तब तक यह प्रश्नगत परिसर पर काबिज चली आ रही परिवादिनी श्रीमती शान्ति देवी के नाम पर निर्गत विद्युत संयोजनों को विच्छेदित न करते हुए विद्युत सुविधा जारी रखें।"

12. I find no illegality or irregularity in Forum's order. As a connection was given by the licensee, UPCL on production of desired documents. To verify and confirm genuineness of such documents on the basis of which the connection was given is no concern of the UPCL, and such connections cannot be disconnected on the request/persuasion of any third party whosoever, no matter he or she may be a co-owner in the undivided property. Such being the case the representation/ petition is liable to be dismissed and Forum's order is liable to be upheld.

Order

The petition is dismissed. Forum order is upheld.

Dated: 06.11.2025

Munhnaid 6.11.2025
(D. P. Gairola)
Ombudsman

Dated: 06.11.2025

Order signed dated and pronounced today.

Munhnaid 6.11.2025
(D. P. Gairola)
Ombudsman