

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ahutosh Pratap Chaudhary
S/o Late Shri Mahendra Pratap Chaudhary
Chaudhary Bhawan, Nainital Road,
Haldwani, Distt. Nainital, Uttarakhand

Vs

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

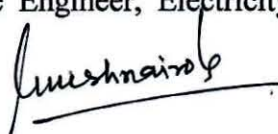
Representation No. 32/2025

Award

Dated: 18.12.2025

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) dated 01.08.2025 in complaint no. 104/2025 by which Ld. Forum has dismissed the complaint of the appellant Shri Ashutosh Pratap Chaudhary, Chaudhary Bhawan, Nainital Road, Haldwani, Distt. Nainital, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Urban), Uttarakhand Power Corporation Ltd., Haldwani, Distt. Nainital, Uttarakhand (hereinafter referred to as respondent).

2. In the instant representation/appeal dated 18.08.2025 the petitioner has averred that he is the owner of house no., 9-104, Nainital Road, Opp. Krishna Kunj, Haldwani, Distt. Nainital. A domestic connection in his property has been given by the department to Smt. Kritika Chaudhary without his consent/permission, which is illegal. He requested SDO on 06.06.2025 to disconnect the said connection, but no action was taken by the SDO. RTI dated 10.06.2025 was also filed by him, vide which information under RTI Act was called for regarding action taken by the department on his application dated 06.06.2025 for disconnection of the connection given to Smt. Kritika Chaudhary. No specific information was given to him, failing which a first appeal was preferred before Executive Engineer, Electricity Distribution Division



(Urban). His appeal was disposed off without any decision saying that documents regarding connection of Smt. Kritika Chaudhary were not available. The Forum has dismissed his complaint without considering the legal and natural justice angle. He has further averred that release of connection to some other person in his property without his permission was illegal. He has prayed that the connection given to Smt Kritika Chaudhary in his property without his consent/permission be ordered to be disconnected and necessary action against the erring official/staff regarding non availability of the documents of connection to Smt. Kritika Chaudhary be also ordered to be taken.

3. The Forum perused records and heard arguments from both parties. The complaint is regarding disconnection of a connection given to Smt. Kritika Chaudhary in his property without his permission. The department has submitted that a legally given connection by the department to a consumer can be disconnected only on the request of the consumer. The department does not have any power to disconnect the connection of some other person on the request of 3rd person. Further a connection of the consumer can be disconnected either for nonpayment of legitimate outstanding dues or under the specific directions by some Court/Administration or some authority. The Forum observed that the complaint is related with ownership of the property in which matter the Forum has no jurisdiction to interfere, neither the Forum is empowered to pass any order in such a matter, so the Forum cannot pass any order in the matter. As regards the existing connection the Forum clarified that having a connection in any property does not make any basis to claim ownership on the property. The Forum having observed as such has dismissed the complaint being out of its jurisdiction and has accordingly dismissed the complaint vide its order dated 01.08.2025.
4. The respondent Executive Engineer has submitted a written statement vide his letter no. 4657 dated 30.10.2025. Point wise reply has been given as follows:
 - i. Pertains to Shri Ashutosh Chaudhary.
 - ii. The petitioner vide his letter dated 06.06.2025 had requested SDO not to give the connection in the said premises, while the said connection had already been given on 08.10.2010.



- iii. A connection no. 381C10111263 exists in the name of Smt. Kritim Chaudhary, the petitioner sent a letter dated 06.06.2025 to SDO for disconnection of the said connection. As the connection under reference was not related with the complainant so no action in the matter was possible. The complainant had asked for information on point no. 1 to 3 (enclosure 1) under RTI regarding connection Kritika Chaudhary S/o Aditya Chaudhary given on the said premises. The desired informant on the aforesaid 3 points was duly given by the SDO concerned/Public Information Officer (enclosure 4). First appeal was preferred by the complainant on 02.07.2025. The Appellate officer/Executive Engineer passed his order vide letter no. 3023 dated 22.07.2025 (copy of judgment enclosure 5).
- iv. Reply on the complainant's complaint no. 104/2025 preferred before the Forum was duly given and hearing was held by the Forum on 01.08.2025. The Forum dismissed the complaint vide its order dated 01.08.2025 (copy of judgment enclosure 7)
- v. Regarding his request for action against the erring official/staff the respondent has submitted that the concerned officials have either been transferred or retired. Further he has submitted that connection under reference was given to the consumer in accordance with UERC Regulations, applicable at that time. Bills against the connection under reference are being paid regularly. The complainant first requested for disconnection of the connection on 04.08.1014 and thereafter on 06.06.2025 (enclosure 8).
- vi. As per point no. 5 above.
- vii. The complainant was duly informed that as per UERC regulations a connection can be given to an applicant without NOC from owner of the property (Enclosure 9) and the connection under reference was given on 08.10.2010 in accordance with UERC regulations. Disconnection of the connection can be done on consumer's request.

5. The petitioner has submitted a rejoinder dated 21.11.2025 along with an affidavit.

- i. Connection to Smt. Kritika Chaudhary w/o Shri Aditya Raj Chaudhary was given in his property 9C-104, Nainital Road, Opp. Krishna Kunj without his permission. As he resides in Noida UP in relation to his service he requested the departmental officers for disconnection of the connection on 04.08.2017 as

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existence of the connection came to his notice, but no action was taken by the officers on his aforesaid application.

- ii. He again requested the departmental officers on 06.06.2025 for disconnection of the connection under reference, but they did not disconnect the connection. But informed him that connection to Smt. Kritika Chaudhary was given on the basis of documentary evidences submitted by her.
 - iii. He asked the department under RTI to make him available certified copies of the documents submitted by Smt. Kritika Chaudhary for taking connection. He was informed by the departmental officer that documents related with the connection of Smt. Kritika Chaudhary were not available and further they informed that Smt. Kritika Chaudhary have been asked to again submit the documents, which were not submitted by Smt. Kritika Chaudhary in the department till 21.11.2025, which suggests that the department with connivance with the consumer, the connection was given to her to cause a loss to him as such the connection given to him was illegal. The department is not disconnecting the connection under false excuses. He has further submitted that non availability of documents is a criminal offence for which FIR must have been lodged against the erring staff.
 - iv. The department submitted a copy of gazette notification dated 18.12.2021 under para 3.3.2 (sub para 4) provides the list of the documents required for taking connection. Smt. Kritika Chaudhary could not submit the desired documents. As such the connection is required to be disconnected.
 - v. In case desired documents were not submitted and were not available then connection should have been given after taking 3 times security under sub regulation 3.3.3 (11), which was not taken by the departmental officers by her and as such loss has been caused to the department.
 - vi. In view of the circumstances explained above the referred connection given to Smt. Kritika Chaudhary is required to be disconnected.
6. Hearing in the case was held on scheduled date 10.12.2025. Both parties appeared and argued their respective case. Arguments were concluded 18.12.2025 was fixed for pronouncement of award/ order.
 7. After perusal of records available on file, hearing all arguments from both parties, it is borne out that the petitioner's request for disconnection of the connection given to

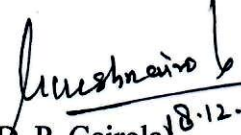


Smt. Kritika Chaudhary in the premises, claimed to be the property of the petitioner, has rightly been turned down by the Forum as a connection given by the department to a consumer, necessarily not being owner of the premises, but being an occupant of the said premises, cannot be disconnected on the request of any third person whosoever even if he is an owner of the premises. Further Forum's observation that such a connection can only be disconnected either on the request of the consumer himself or herself, or for nonpayment of outstanding electricity dues by the consumer or under the specific instructions of administration, any authority or any court. In the instant case there is no such situation and therefore Forum's order denying disconnection on petitioner request is justified and Forum's order for dismissal of the complaint is also liable to be upheld. The petition is also liable to be dismissed.

Order

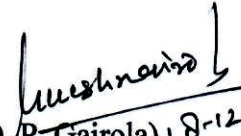
The petition is dismissed. Forum order is upheld.

Dated: 18.12.2025


(D. P. Gairola) 18.12.2025
Ombudsman

Order signed dated and pronounced today.

Dated: 18.12.2025


(D. P. Gairola) 18.12.2025
Ombudsman