

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Dharendra Kumar
Director, M/s DTC India Ltd.,
Corporate Office, Midfort House,
Mandir Marg, Vasant Vihar Enclave,
Dehradun, Uttarakhand

Vs

1. The Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Mohanpur, Premnagar, Dehradun, Uttarakhand.
2. Shri Vipin Kumar S/o Shri Premchand, Baniyawala, Arcadia Grant, Dehradun, Uttarakhand.

Representation No. 45/2025

Award

Dated: 11.02.2026

Present appeal/ representation has been preferred by appellant, Shri Dharendra Kumar, Director, DTC India Ltd. Corporate Office, Midfort House, Mandir Marg, Vasant Vihar Enclave, Dehradun, Uttarakhand (hereinafter referred to as petitioner) against the order of Consumer Grievance Redressal Forum, Garhwal Zone, (hereinafter referred to as Forum) dated 30.08.2025 in complaint no. 25/2025 by which Ld. Forum has allowed the complaint with the direction to UPCL to release the connection applied for, of the Shri Vipin Kumar S/o Premchand, Baniyawala, Arcadia Grant, Dehradun, Uttarakhand (hereinafter referred to as respondent no. 2). against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Mohanpur, Premnagar, Dehradun, Uttarakhand (hereinafter referred to as respondent no. 1).

2. in the instant representation/appeal the petitioner M/s DTC India Ltd. through its whole time Director Shri Dharendra Kumar Singh has averred as follows that:

- i. The respondent no. 2 after making illegal construction over a part of the petitioner's land comprised under Khasra No. 1580 and 1849 at village

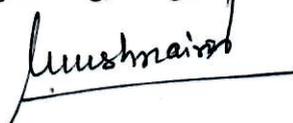
Mushnais

- Arcadia Grant Distt. Dehradun applied for installation of electric connection to respondent no. 1 over the said illegal construction.
- ii. Considering ownership of the petitioner, respondent no. 2 refused to install the electric connection applied for by the respondent no. 2.
 - iii. Respondent no. 2 filed a case no. 25/2025 before the Forum against the refusal for grant of new electricity connection.
 - iv. The petitioner being owner of the land after being informed by the Forum objected to the grant of electricity connection. A copy of injunction order passed by the Court of Civil Judge (SD), Dehradun in OS no. 1139, DTC India vs Vipin and others was also furnished by the petitioner.
 - v. Without considering ownership of the petitioner on the land the order passed by the Hon'ble Civil Judge in aforesaid OS, the provisions of Electricity Act, 2003 and the well settled principles of law. The Forum passed the impugned order dated 30.08.2025 and ordered the respondent no. 1 to install a new connection in favour of respondent no. 2 over the property of the petitioner.
 - vi. The order dated 30.08.2025 passed by the Forum is illegal and is liable to be set aside on the following grounds:

Grounds of Appeal

Because

- a) The impugned order has been passed against the facts and records and provisions of Electricity Act, 2003 as well as Electricity Supply Code, 2020 have been misrepresented and misinterpreted.
- b) Respondent no. 2 is neither owner nor occupier under provisions of section 43 (1) of Electricity Act, 2003. Illegal construction has been raised by him over the land of the petitioner disregarding the order of the competent court.
- c) While passing the impugned order the Forum has misinterpreted the orders passed by the Civil Court.
- d) The Forum has misinterpreted the judgments quoted by it in the matter of Chandu Khamaaru vs Nayan Malik as well as Chameli Singh Vs State of UP. The Hon'ble Supreme Court has nowhere stated that the UPCL is expected to promote land grabbing, illegal construction and trespass of

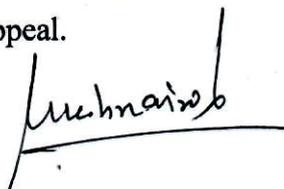


property by installing a new electricity connection over illegal constructions.

- e) The Electricity Supply Code clearly provides that where ownership of the premises is decided by a Court in favour of a person other than the applicant (respondent no. 2 in this case) the licensee respondent no. 1 shall not grant connection to such applicant.
- f) The petitioner has already instituted a Civil Suit against respondent no. 2 where specific injunction order has been passed by the Court on the complaint of the petitioner the MDDA, Dehradun had also sealed the illegal structure where new electricity connection is being sought by respondent no. 2. There is no dispute about the title and ownership of the petitioner over the land where connection is desired.
- g) Case no. 25/2025 was liable to be dismissed by the Forum under all circumstances.
- h) The Forum allowed the complaint despite being aware of these facts and the illegalities committed by the respondent no. 2.
- i) The Forum has acted against provisions of the Act and the evidence on record.
- j) The complaint was decided by the Forum on the basis of hearsay and the baseless and unsubstantiated oral contentions of the respondent no. 2.
- k) The Forum did not act in an impartial and judicial manner while deciding the complaint made by respondent no. 2.
- l) The Forum has exercised its jurisdiction illegally.
- m) Forum order dated 30.08.2025 suffers from material irregularity.
- n) The Forum has misinterpreted the evidence on record.
- o) The complaint was liable to be dismissed on all the grounds mentioned therein.

It is respectfully prayed that for the reasons detailed above the Forum order dated 30.08.2025 may kindly be set aside.

A delay condonation application dated 09.10.2025 has also been submitted by the petitioner for condonation of delay in filing the appeal for the reasons explained in the application, submitted along with the appeal.



3. The Forum in view of the documentary evidences as well as relevant regulations and provisions under Electricity Act, 2003 was of the view that connection against application of complainant (registration no. 531100824012) is liable to be given in the interest of justice as also logics and having of this view the Forum passed order dated 30.08.2025 has directed the opposite party to release connection against the application (registration no. 531100824012) and has asked a compliance report within 15 days.

4. **WS of respondent no. 1 (Executive Engineer)**

A written statement has been submitted by the respondent no. 1 vide his letter no. 13679 dated 11.11.2025 has submitted as follows:

- i. The applicant Shri Vipin Kumar has applied for an electricity connection against application dated 10.08.2024 registration no. 531100824012.
- ii. A sum of Rs. 22,300.00 was deposited by the petitioner on 09.09.2024 against the aforesaid registration for taking electricity connection.
- iii. Construction of line by erecting PCC poles was completed by the department on 26.11.2024 for giving the said connection, but M/s DTC India Ltd. obstructed the work of construction. The said company submitted a complaint letter wherein they have mentioned that a stay order has been granted by the Court of Civil Judge (SD) Dehradun in case no. 1139/2020 against giving connection to the applicant Shri Vipin Kumar on the disputed land.

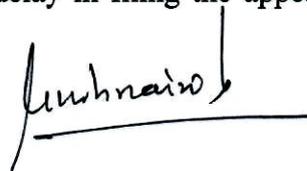
In view of the case on land dispute is pending before the Hon'ble Court the new connection could not be released to the applicant.

Respondent has also submitted an affidavit.

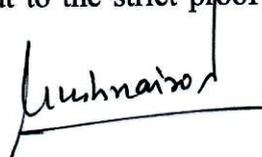
5. **WS of respondent no. 2 Shri Vipin Kumar dated 01.12.2025**

The respondent no. 2 has submitted a written statement along with an affidavit.

- i. The respondent no. 2 is fully acquainted with the facts deposed below:
- ii. He has fully read and understood petitioner's affidavit. He has filed an application for condonation of delay in filing the appeal against order dated 30.08.2025.



- iii. Contents of para 1 of the said affidavit are not admitted and denied, it is wrong to content that Mr. Dhirender is the whole time director of the petitioner company and is well acquainted with the facts and circumstances of the case.
- iv. Contents of para ii) of the said affidavit are admitted only to the extent that the petitioner was a third party in the case 25/2025 Mr. Vipin Kumar vs Executive Engineer.
- v. As regards contents of para iii) of the said affidavit these are admitted only to the extent that the final arguments were heard by the Forum on 11.08.2025 and the case was fixed for orders.
- vi. As regards contents of para no. iv) they are wrong, incorrect and are denied, it is wrong to contend that around 16.09.2025 the petitioner received a letter dated 11.09.2025 from the Ld. Forum intimating the order dated 30.08.2025 passed by the said Forum along with a copy of the impugned order dated 30.08.2025. The petitioner is put to the strict proof of the contents as stated by him in the said para.
- vii. Regarding contents of para no. v) it is stated that they are wrong incorrect and are therefore denied.
- viii. Contents of para no. vi) are wrong incorrect and are denied. It is wrong to content that there was no delay in filing the appeal as it is being filed within the limitation prescribed under law if calculated from 11.09.2025, however, if the Ombudsman is of the view that limitation is to be calculated from the date of the impugned order then the delay is liable to be condoned as the petitioner was under the bonafied belief that the present can be filed in 30 days from the date of intimation of the impugned order. The petitioner is put to the strict proof of the contents as stated by him in the said para.
- ix. Contents of para vii) are wrong incorrect and are denied. It is wrong to contend that important legal rights of the petitioner are to be decided in the present appeal. The petitioner shall suffer irreparable loss and injury if the delay in filing this appeal is not condoned. The petitioner is put to strict proof of the contents as stated by him in the said para.
- x. Contents of para no. viii) are wrong, incorrect and are denied. It is wrong to say that the ends of justice would be served only if the appeal is heard and decided on merits. The petitioner is put to the strict proof of the contents as stated by him in the said para.



- xi. Omitted.
- xii. It is expedient in the interest of justice that the application submitted by the petitioner for condonation of delay in filing the present appeal against order dated 30.08.2025 in case no. 25/2025 of Vipin Kumar vs EE, EDD, Mohanpur is liable to be dismissed with special costs.

Further submission by R2 dated 02.12.2025

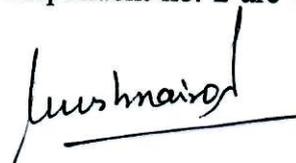
Point wise replies has been submitted as follows: that

- i. He is submitting photocopies of few documents as annexures in the aforesaid appeal which are true and exact copies of their respective original, which could not be submitted earlier due to some misconception.
- ii. Annexed set of documents are essential to avoid the multicplicity of the litigations between the parties and for the efficacious adjudication of the matter in controversy between the parties effectively and judiciously.
- iii. He is a layman having no knowledge of the law and procedure adopted by the Hon'ble Courts.
- iv. It is further stated that the technicality should not come in the way of imparting justice to the parties.
- v. It is expedient in the interest of justice and equity that the annexed set of documents submitted by the respondent no. 2 be kindly be admitted and taken on record.
- vi. It is expedient in the interest of justice and equity that the annexed set of documents submitted by him be kindly submitted and taken on record.

Prayer

It is therefore respectfully prayed that annexed set of documents submitted by the respondent no. 2 be kindly be admitted and taken on record.

6. Objections dated 23.12.2025 filed by the petitioner on the written statement of respondent no. 2
 - i. Contents of said application filed by respondent no. 2 are wrong and are not admitted.

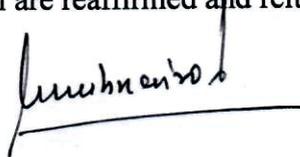


- ii. Documents being filed by respondent no. 2 are photocopies and are not admissible as evidence.
- iii. Any evidence should have been submitted at trial stage and no new evidence can be admitted at the appellate stage.
- iv. The documents being filed by R2 were always in his custody and no cogent reason has been stated by him to file them at this later stage.
- v. The documents being filed by R2 are irrelevant to the disposal of the present appeal.
- vi. The application filed by R2 is malafide and has only been filed to delay the disposal of the present appeal.
- vii. In the light of above facts application filed by R2 is liable to be dismissed.

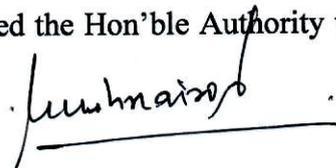
For the reasons disclosed in the accompanied affidavit the objections filed by respondent no. 2 may kindly be dismissed and delay condonation application filed by the petitioner be kindly be allowed and the delay, if any in filing the present appeal against Forum's order dated 30.08.2025 in case no. 25/2025 may kindly be condoned.

7. Rejoinder dated 05.01.2026 submitted along with an affidavit by the petitioner on the objections filed by respondent no. 2. The petitioner has submitted point wise replies as follows that: -

- i. It is pertinent to mention that any contentions made by the respondent no. 2 (hereinafter referred as R-2). In his objections which are contrary to the contents of the memorandum of appeal, are wrong and are not admitted. Contents of the appeal are reaffirmed and reiterated.
- ii. Contents of para 2 are wrong and are not admitted. It is false to content that the respondent no..2 is the owner and in possession of part of khasra no. 1559 situated at Mouja Arcadia Grant (Pitambar pur) paragana pachva doon, Tehsil Sadar District Dehradun which he inherited from his predecessors. It is further false to contend that R-2's predecessor were in occupation of the said property and had constructed a residential house upon the said land a few years back. That R-2 is put to strict proof of the contentions made by him. That contents of para 1 of the appeal are reaffirmed and reiterated.



- iii. Contents of para 3 of R-2's objections are wrong and are not admitted. Contents of para 2 of the appeal are reaffirmed and reiterated.
- iv. Contents of para 4 of his objections need no reply.
- v. Contents of para 5 and 6 of his objections are wrong and are not admitted. Contents of para 4 and 5 of the appeal are reaffirmed and reiterated.
- vi. Contents of para 7 of R-2's objections are wrong and are not admitted and that of para 1 of appeal are reaffirmed and reiterated.
- vii. Contents of para 7 (a) to 7 (o) of his objections are wrong and are not admitted. Contents of para 6 (a) to 6(o) of appeal are reaffirmed and reiterated.
- viii. Contents of para 7(p) of the objections are wrong and are not admitted. It is false to contend that the learned Forum had passed the order dated 30.08.2025 after considering the facts and circumstances in detail and adopted a correct approach. It is further false to contend that all the issues were decided in favour of R-2 and against the appellant.
- ix. Contents of para 7 (q) of his objections are wrong and are not admitted. It is false to contend that Forum's order dated 30.08.2025 was in accordance with the provisions of law after application of judicial mind.
- x. Contents of para 7 (r) of the objections are wrong and are not admitted. It is false to contend that the appellant deserves no relief from the appellate authority as the order passed by the Forum is just proper on merits.
- xi. Contents of para 7 (s) of the objections are wrong and not admitted.
- xii. Contents of para 7(t) are wrong and denied. It is false to contend that present appeal is not maintainable and if the appeal is allowed the respondent no. 2 will suffer irreparable loss and injury which cannot be compensated in terms of money.
- xiii. Contents of para 7 (u) are wrong and are not admitted. It is false to contend that the present appeal is malafide and has been filed to harass the R-2.
- xiv. Contents of para 7(v) are wrong and are not admitted. It is false to contend that the present appeal is based on false and frivolous grounds and is liable to be dismissed. It is further false of contend that the appellant is deliberately trying to confusion by illegally imposing order passed in respect of land bearing khasra no. 1580 upon land bearing khasra no. 1559.
- xv. Contents of para 7 (w) are wrong and are not admitted. It is false to contend that the appellant has not approached the Hon'ble Authority with clean hands



and has filed the present appeal by suppressing, misrepresenting and concealing true and correct facts. It is further false to contend that the appeal is not maintainable in the eyes of law and hence the appellant is not entitled to any relief claimed by him. It is further false to contend that the appeal is liable to be dismissed with the cost and special cost.

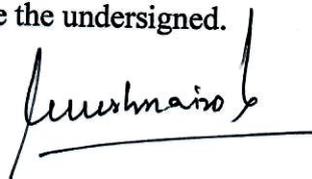
- xvi. Contents of para 7 (x) are wrong and are not admitted. It is false to contend that prima facie case and balance of convenience is in favour of the R-2 and against the appellant and if the present appeal is allowed the R-2 will suffer irreparable loss and injury which cannot be compensated in terms of money.
- xvii. Contents of para 7 (y) are wrong and not admitted. It is false to contend that the present appeal is unnecessary, scandalous, frivolous and vexatious litigation and it is an abuse of the process of court.
- xviii. Contents of para 7 (z) of objections are wrong and not admitted. It is false to contend that it is expedient in the interest of justice and equity and the present appeal be kindly dismissed with cost and exemplary cost.

8. The appellant has informed that he does not want to submit any rejoinder on WS of respondent no. 1.

9. Regarding objections of the respondent no. 2 on non maintainability of the present appeal as also non condonation of delay in submission of the present appeal, it is clarified that in terms of proviso to regulation 5 (1) of UERC Appointment and Functioning of Ombudsman Regulation 2004 which is reproduced below. Ombudsman may entertain an appeal after the expiry of the said period of 30 days.

“Provided further that the Ombudsman may entertain an appeal after the expiry of the said period of thirty days if the Ombudsman is satisfied that there was sufficient cause for not filing it within this period”.

The objections regarding non maintainability of the appeal as also non condonation of delay in submission of the appeal beyond prescribed period raised by the respondent no. 2 is hereby overruled. In exercise of the powers vested in terms of the above proviso and as also in the interest of justice, the appeal has therefore been admitted accordingly and is held maintainable before the undersigned.

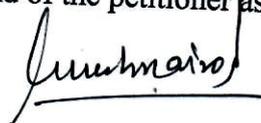


10. Hearing in the case was fixed for 28.01.2026 and was accordingly held. All parties appeared and orally argued their respective case. Copies of Hon'ble High Court order dated 09.10.2025 in WPRL No. 628 of 2025 and dated 19.09.2025 in WPCRL 628 of 2025 have been adduced along with copy of letter dated 21.08.2025 from MDDA, a copy of a certificate dated 02.12.2025 from the then Inspector incharge of Police station Vasant Vihar, Dehradun has also been adduced. These documents do not pertain to the instant case.

The arguments concluded. Order reserved.

11. Based on the records and documents, statutory provisions as well as regulatory provisions and hearing arguments from all parties, the case in brief is that Shri Vipin Kumar (R2) here had applied for an electricity connection dated 10.08.2024 to the UPCL (R1) here with registration no. 531100824012 and also deposited necessary charges Rs. 22,300.00 on 09.09.2024. During the course of construction of service line M/s DTC India Ltd. create obstruction on the basis that the property where connection has been applied belongs to them and a land dispute case no. 1139/2020 is pending before the Court of Hon'ble Civil Judge (SD) Dehradun against the said Shri Vipin Kumar. A temporary injunction was granted by the Hon'ble Court on 28.10.2020, which was subsequently confirmed vide the said Court's order dated 28.10.2025 after hearing both parties. The final decision of the Court is pending. In view that the land dispute case is pending before the aforesaid Hon'ble Court the new connection applied for by Shri Vipin Kumar could not be given by the department. Shri Vipin Kumar thereafter approached the Forum with complaint no. 25/2025, which was decided by the Forum vide its order dated 30.08.2025 directing the opposite party (UPCL) that the connection against the application registration no. 531100824012 be released.

12. Being aggrieved with the said Forum order M/s DTC India Ltd. through its whole time director Shri Dharendra Kumar Singh (the petitioner here) has preferred the instant petition before undersigned. Although the said company was not a party before the Forum in the complaint under reference, but the instant appeal has been preferred by them on the grounds that the land on which R2 has applied for connection belongs to them. The UPCL refused to release the connection in favour of Shri Vipin Kumar considering the ownership on the land of the petitioner as also in view of pending case



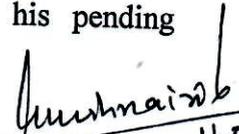
on land dispute before the Hon'ble Civil Judge (SD) Dehradun as also the permanent injunction granted by the said Court in case no. 1139/2020. A number of allegations and shortcomings in Forum order have been alleged by the petitioner including that the order has been passed ignoring the provisions under section 43 (1) of Electricity Act, 2003, relevant UERC regulations, 2020 and so many other grounds as mentioned in the appeal.

13. Although the UPCL as a Licensee is duty bound to give connection to any applicant whosoever has applied for it under section 43 (1) of Electricity Act, 2003 but in the instant case the plea of the petitioner that Shri Vipin Kumar is neither owner nor an authorized occupier of the premises has force and further the stay granted by the Hon'ble Court of Civil Judge (SD) Dehradun supports their case. Today it has become fashion to occupy other's land or government's land illegally and get electricity and water connection over it and compel the owner of the property to go to Court and make him spend money, time and wait for years together to get possession of his own land. The UPCL has also refused to give connection in view of the pending aforesaid Court Case. Their stand is also right. The Forum order dated 30.08.2025 passed in complaint no. 25/2025 of Shri Vipin Kumar cannot be appreciated and cannot be upheld as it has been passed without considering the pending Court case. Such being the case the connection to Shri Vipin Kumar against his application registration no. 531100824012 cannot be granted/cannot be released. The petition is therefore liable to be allowed and Forum order is liable to be set aside.

Order

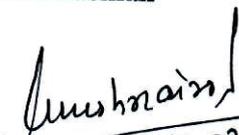
The petition is allowed. Forum order is set aside. The respondents (R1) UPCL are restrained from giving connection to Shri Vipin Kumar against his pending application (registration no. 531100824012).

Dated: 11.02.2026


(D. P. Gairola) 11.02.2026
Ombudsman

Order signed dated and pronounced today.

Dated: 11.02.2026


(D. P. Gairola) 11.02.2026
Ombudsman