

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Devvrat Tyagi
S/o Shri Sevaram Tyagi
Village Mundate, Manglaur
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Civil Lines, Roorkee,
Distt. Haridwar, Uttarakhand

Representation No. 59/2025

Award

Dated: 27.03.2026

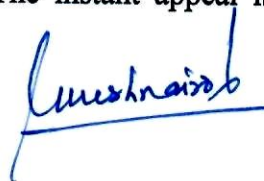
Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 18.11.2025 in complaint no. 252/2025 by which Ld. Forum has disposed off the complaint, being out of jurisdiction, of the appellant Shri Devvrat Tyagi S/o Shri Sevaram Tyagi Village Mundate, Manglaur, Distt. Haridwar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Rural), Uttarakhand Power Corporation Ltd., Civil Lines, Roorkee Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner in his instant appeal received in this office on 28.11.2025 and read with his subsequent submission vide letter dated 11.12.2025 has averred that he is a consumer of respondent under domestic category. Bills against the said connection were regularly being paid and he had never been a defaulter. In past he purchased a property from Shri Rajeshwar S/o Prakash Chandra measuring about 247.203. sq meter. A sale deed no. 8680 dated 27.09.2023 is duly registered with Dy. Registrar, Roorkee. An electric pole in the said premises is existing in the said property before it was purchased by him. No permission from the then owner was obtained by UPCL for erecting the pole in the said property and this is being used to supply the electricity to the villagers. The line laid down on the pole is causing a danger to his property as

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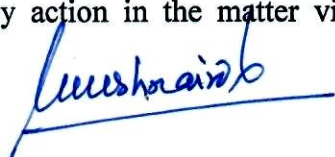
also a threat of any electrical accident. He submitted an application dated 20.01.2024 which was duly received on the same date to the respondent for shifting this pole along with the line outside the boundary of his property and on his land. Gram Pradhan Mundate also requested the aforesaid respondent vide his letter dated 15.03.2024 recommending shifting of the pole as applied for by him. Reminder for shifting the pole was also given by him to AE Manglaur on 23.04.2025 which was also duly received by his office. Some persons of the village having no concern with pole shifting have created and laid objections for shifting of the pole. Some staff of UPCL are also helping such persons. No action was however taken in spite of pursuance but he had been informed that action for preparation of estimate is underway. A number of residents of the village have given their no objection under affidavit to the effect that if the pole along with the line is shifted outside his boundary on his own land then they have no objection on shifting of such pole. This no objection was given by the villagers on 04.08.2025 whose names has been mentioned by the petitioner and their NOC is also adduced. He again requested the respondent vide his application dated 08.09.2025 to shift the pole along with line outside his gate and on his own land.

3. As no action was taken by the respondents he approached DM, Haridwar with an application dated 20.09.2025 with the request that department be asked to shift the pole as requested by him. He also requested the DM that if such situation arises order for providing police protection be also issued. He has also mentioned that the DM on his application directed the respondent as “कृपया नियमानुसार कार्यवाही करे” subsequently he requested the respondent vide application dated 22.09.2025 for preparing estimate for shifting of the pole as requested for. Meanwhile information under RTI was also asked for vide application dated 02.06.2025. The respondent without any verification informed on 30.07.2025 about objections of residents of the village against pole shifting. First appeal against RTI was thereafter preferred before department appellate authority, which has also been adduced.
4. As no action was taken by the respondent in spite of repeated persuasion from the year 2024 to 2025 a complaint was lodged before the Forum, which was disposed off by the Forum vide order dated 18.11.2025. The instant appeal is thereafter being



preferred before the Hon'ble Ombudsman being aggrieved with Forum's order , with the following prayers.

- i. The appeal be admitted and after hearing a justified order against Forum order dated 18.11.2025 be passed. Orders for shifting the existing pole from his boundary to outside the boundary on his own land be ordered.
 - ii. Compensation for causing harassment and financial loss be also granted.
 - iii. Any other relief deemed justified by the Hon'ble Ombudsman may also be granted.
3. After perusal of records and hearing arguments from both parties the Forum observed that the complaint is regarding shifting of pole along with line for which no action has been taken as yet, however the opposite party submitted that action for estimate for shifting of the pole is underway, however the Forum was of the view that the subject matter of the complaint is out of its jurisdiction and hence the Forum disposed off the complaint vide its order dated 18.11.2025.
4. The respondent has submitted his written statement vide letter no. 91 dated 07.01.2026 along with a notarized affidavit wherein pointwise replies has been submitted as follows:-
- i. RAPDRP system suggest that a connection no. RD2M222039257 for 1 KW load under domestic category is running in the name of Shri Devvrat Tyagi S/o Shri Sevaram, Village Mundate, Manglaur, Distt. Haridwar since 01.10.1989.
 - ii. The petitioner had applied for shifting of the pole existing inside his premises. JE of the area visited the site, he reported that number of villagers opposed proposed shifting of the pole as it will cause problems to them.
 - iii. Pradhan and villagers have submitted a objection letter for not shifting the pole on the road.
 - iv. The petitioner had requested on 19.09.2025 through an application to keep pending the estimate for shifting of the pole.
 - v. The petitioner's application dated 20.09.2025 was received through DM Haridwar with which no objection in the form of affidavits were also received from a number of residents of the village. In response whereof SDO Manglaur was directed for necessary action in the matter vide letter no. 5954 dated



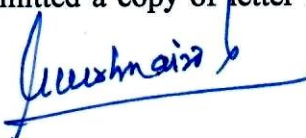
22.09.2025. The SDO submitted the estimate vide his letter dated 24.012.2025 for shifting of the pole as requested for by the petitioner.

- vi. The estimate was forwarded to SE, EDC, Roorkee vide letter no. 8484 dated 29.02.2025 for technical sanction.
- vii. Consequent upon technical sanction by SE a demand note amounting to Rs. 12,908.27 was sent to the petitioner for depositing towards the cost of estimate vide letter dated 01.01.2026. A revised letter for depositing estimated cost was also issued bearing letter no. 71 dated 05.01.2026.
- viii. The pole existing inside petitioner's premises shall be shifted outside after depositing estimated cost and on receiving ROW.

The respondent has substantiated his averments with documentary evidences adduced as enclosure no. 1 to 11 as mentioned under appropriate points of the written statement.

5. The petitioner has submitted a rejoinder along with a notarized affidavit on 16.02.2026. Contents are as follows:
 - i. His name and address is correct.
 - ii. Point no. i) of respondent letter dated 07.01.2026 is acceptable.
 - iii. Point no. ii) of respondent's aforesaid letter is not acceptable because respondent has no right to keep the existing pole as it is.
 - iv. Point no. iii) and iv) of respondent's aforesaid letter are not acceptable
 - v. Regarding para v) vi) and vii) of respondent's letter dated 07.01.2026 it is submitted that regarding his letter no. 71 dated 05.01.2026 for depositing estimated cost of Rs. 12,908.27 it is submitted that a sum of Rs. 12,908.27 has duly been deposited by him with the respondent on 16.02.2026 vide receipt no. 021771/28 for shifting of LT pole. A copy of receipt is also adduced.
 - vi. Consequent upon depositing the aforesaid amount it is requested that the orders for shifting of pole along with line may kindly be issued expeditiously in the interest of justice.

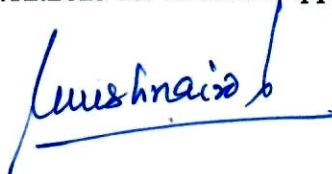
6. 27.02.2026 was fixed for hearing in the case which was postponed for 16.03.2026 on respondent's request. Meanwhile the respondent submitted a letter no. 1870 dated 09.03.2026, wherein he has submitted a copy of letter dated 27.02.2026 from Gram



Pradhan for objections against shifting of the pole. Objections from a number of villagers have also been adduced with the letter. He has mentioned that shifting of the pole is not possible for non submission of ROW by the petitioner. This letter has also been taken on record. Hearing was held on scheduled dated 16.03.2025, the petitioner appeared himself and orally argued his case, however the respondent did not come for arguments and neither he has submitted any application. Arguments concluded. Order was reserved. The petitioner in addition to his oral submission also submitted a photocopy of his application dated 27.02.2026 to DM Haridwar in which he has requested the DM for ordering police help. This letter also carries DM's directions dated 28.02.2026 to SP, Rural for providing police protection in carrying out the work of shifting of the pole along with line. This letter has also been taken on record. 27.03.2026 was thereafter fixed for order.

7. Documents and records available on file have been perused. Arguments from the petitioner were heard. Regulatory and statutory provisions which shall be mention in this order in the following para have also been consulted. I has come to notice that"

- i. The case is regarding shifting of LT pole along with line already existing in side petitioner's premises from its existing location to outside petitioner's boundary but on his own land.
- ii. While a number of villagers have given their no objection under affidavit for shifting of the pole but some others have also raised objections on proposed shifting of the pole and line.
- iii. The petitioner referred the matter to District Magistrate Haridwar through an application dated 20.09.2025 with which a number of objections from a number of villagers on affidavit were also adduced, on which the DM issued following direction to Executive Engineer, EDD Roorkee (Rural) "कृपया नियमानुसार कार्यवाही करें।" Whereeafter on the request of the petitioner and in view of directions of DM Haridwar the respondent Executive Engineer asked the SDO Manglaur vide his letter no. 5954 dated 22.09.2025 for further necessary action in the matter in completion of which who submitted estimate for shifting the pole outside petitioner's premises vide his letter dated 24.12.2025 which was forwarded to SE, EDD Roorkee by respondent vide letter no. 8484 dated 29.12.2025 for technical approval.



- iv. After receiving technical approval the estimate for shifting of the pole and line amounting to Rs. 12908.27 was sanctioned and a demand note for depositing the said amount was sent to the petitioner vide letter dated 01.01.2026 (followed by a revised letter dated 05.01.2026) the petitioner deposited the estimated amount Rs. 12908.27 vide receipt no. 021771/28 dated 16.02.2026. However, no further action for shifting of the pole was taken by the respondents till now.
- v. The petitioner again approached DM Haridwar vide his letter dated 27.02.2026 wherein inter alia he requested him to provide police protection/help for shifting the pole as the respondents were reluctant for shifting the pole in spite of depositing the desired estimated amount simply on some fictitious grounds that some of the residents are opposing the shifting of pole. The DM as per his remarks dated 28.02.2026 on the said application directed SP Rural to provide police protection to UPCL in the work of shifting of the pole from petitioner's premises to outside on his own land.
- vi. The respondent did not appear for hearing but meanwhile submitted a letter dated 09.03.2026 mentioning that the shifting of pole was not possible for non submission of ROW by the petitioner.
8. The relevant provisions under UERC Regulation 2020 and statutory provisions under the act 2003 which are attracted in the case are reproduced below:-
- A. Sub regulation 3.1 (5) of UERC Guidelines for appointment of members and procedure to be followed for redressal of the grievances of the consumer, 2019 as reproduced below:-
- The Forum shall not entertain any grievances pertaining to shifting of electric lines/ poles equipments.**
- B. The works of licencees rules 2006 framed by the Government of India in exercise of the powers conferred by Clause E of sub regulation 2 of Section 176 read with sub section 2 of section 67 of the electricity act, 2003 extract of which is reproduced below:-
- a) Carry or works, lay down or place any electric supply line or other works, in, through, or against, any building, or on, over or under any land whereon, wherever, or whereunder any electric supply line or works has not already been lawfully laid down or placed by such

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licensee, with the prior consent of the owner or occupier of any building or land:

- b) Fix any support of overhead line or any stay or structure required for the purpose of security in positing any support of an overhead line on any building or land or having been so fixed, may alter such support; PROVIDED THAT in case where the owner or occupier of the building or any raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commission of Policy or any other officer authorized by the State Government in this behalf for carrying out the works:

PROVIDED FURTHER THAT if any time, the owner or the occupier of any building or land on which any works have been carried out or may support of an overhead line, stay or structure has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorized may be order in writing direct for any such a work, support, stay or structure to be removed or altered.

9. In view of above UERC Regulation it is clear that subject matter of the present appeal is out of jurisdiction of CGRF and Ombudsman mechanism and therefore no orders in the case can be passed by the Ombudsman on merits. Further the Forum's order for disposal of the complaint is liable to be upheld being consistent with the aforesaid UERC Regulation.
10. DM/ concerned district is authorized to decide such a case as that of shifting of existing pole along with line in terms of powers vested in him under the aforesaid work of licensee rules, 2006 and the DM Haridwar has already directed the respondent to take action in the matter as per rules and has further directed SP Rural, Haridwar to provide police protection while executing the work of shifting of pole by UPCL. In view of DM's instructions as also depositing estimated amount by the petitioner, non shifting of the LT pole along with line by the respondent may amount to non compliance of orders of the competent authority, being DM Haridwar in the instant case. Although as already mentioned in the above para the matter is beyond Ombudsman's jurisdiction however, it is advisable that in view of facts of the case i.e. directions of DM Haridwar who is the competent authority in such a matter in terms

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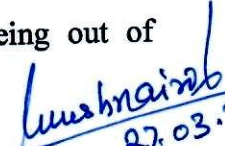
of above statutory provision as also depositing estimated amount by the petitioner, the respondents are duty bound to execute the work of shifting of pole along with line however with police protection if he feels necessary, for which DM has already asked S.P. (Rural) to provide police protection.

11. Such being the case the petition is liable to be disposed of without passing any order on merits being out of jurisdiction. The Forum order is liable to be upheld.

Order

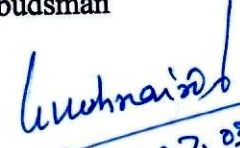
The petition is disposed of without passing any order on merits being out of jurisdiction and Forum order is upheld.

Dated: 27.03.2026


27.03.2026
(D.P. Gairola)
Ombudsman

Order signed dated and pronounced today.

Dated: 27.03.2026


27.03.2026
(D. P. Gairola)
Ombudsman