

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Avani Sharma
Owner & Resident of Flat No. D-102
Pacific Estate Resident Welfare Society
Near Anurag Nursery, Vasant Vihar
Dehradun, Uttarakhand-248006

Vs

The Executive Engineer,
Electricity Distribution Division (South)
Uttarakhand Power Corporation Ltd.
Dehradun, Uttarakhand

Representation No. 07/2026

Award

Dated: 16.06.2026

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 23.01.2026 in complaint no. 72/2025 by which Ld. Forum has directed the opposite party to take necessary action regarding giving new connection to the complainant Avani Sharma in accordance with Hon'ble UERC order dated 07.10.2024 and letter dated 03.03.2025 of the complaint of the appellant Avani Sharma, Owner & Resident of Flat No. D-102, Pacific Estate Resident Welfare Society, Near Anurag Nursery, Vasant Vihar, Dehradun, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (South), Uttarakhand Power Corporation Ltd., Dehradun, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner in her instant appeal/ representation dated 19.02.2026 has averred as follows:-

Written submission from the appellant

That

- i. She is the lawful owner and resident of Flat NO. D-102, Pacific Estate, Dehradun and is a consumer within the meaning of Section 2(15) of the Electricity Act, 2003 and the regulations framed thereunder.



- ii. The residential complex known as Pacific Estate is a developed and occupied housing project and electricity supply is already being provided therein through a single point bulk connection standing in the name of the association/ developer.
- iii. She after completing all requisite formalities and submission of prescribed documents and charges, applied to the respondent for grant of an independent domestic electricity connection with a separate meter in her own name.
- iv. Instead of processing the complainant's application in accordance with law, the respondent sent a communication dated 04.12.2025 stating that individual electricity connection would be considered only if more than 50% of the flat owners prefer individual connections and on that basis declined/ deferred consideration of her request. Respondent's letter dated 04.12.2025 was responded by her the same day.
- v. The said communication was issued without recording any finding regarding technical feasibility, system constraints or safety norms and was based solely on an erroneous interpretation of the condition relating to preference of flat owners.
- vi. Under Electricity Act, 2003 read with electricity (rights of consumers) rules, 2020 as amended from time to time every owner or occupier of the premises is entitled to electricity supply subject only to technical feasibility and compliance with safety requirements.
- vii. The said consumer rules recognized supply of electricity to group housing societies either through a single point connection or through individual connections and the condition relating to preference of more than 50% of the owners is intended to regulate the mode of supply and not to deny or indefinitely postpone and otherwise eligible consumer requests.
- viii. The respondent has neither pleaded nor demonstrated any technical infeasibility or safety issue which would justify refusal to process the complainant's application for an individual domestic electricity connection.



- ix. The impugned communication is not speaking in nature and has the effect of compelling the complainant to continue under a bulk supply arrangement resulting in absence of direct billing and individual consumer-licensee relationship which is neither mandated nor contemplated under the statutory scheme.
- x. The respondent being a distribution licensee is bound to act fairly and in accordance with law and cannot rely upon administrative interpretations to defeat the statutory rights of an individual consumer.
- xi. Denial of consideration of her application under reference is arbitrary and unjustified and calls for interference by the Hon'ble Forum.
- xii. The Hon'ble Forum has the jurisdiction in the matter to decide the grievance and to issue appropriate directions to the respondent for redressal of grievance.
- xiii. It is submitted that communication dated 04.12.2025 and forum's order dated 23.01.2026 proceeds on a erroneous interpretation of the condition that "if more than 50% of the owner preferred individual connection, then individual connection shall be given to each owner".
- xiv. The said condition is consumer friendly and facilitative in nature and does not authorize the respondent to refuse or indefinitely postpone individual electricity supply to willing flat owners.
- xv. Expression "more than 50%" clearly denotes a simple majority of flat owners once such majority prefers individual connection the respondent is under mandatory obligation to provide separate domestic connection to each willing owner and cannot insist upon continuation of bulk supply through the association.
- xvi. Any interpretation which enables an association or a majority of flat owners to veto or over right the presence of the majority is arbitrary, defeats the object of Electricity Act, 2003 and is contrary to principle of transparency and non discrimination in electricity supply.
- xvii. Under the governing statutory scheme every owner or occupier of the premises is recognized as an independent consumer and is entitled to individual electricity connection.



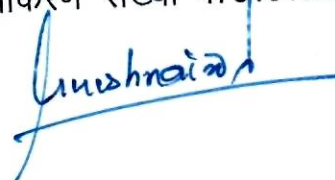
- xviii. The impugned communication by treating the 50% of the condition as a ground to deny or defer individual metering is beyond the scope of Electricity Act, 2003 and the electricity (rights of consumer rules 2020) and is therefore ultra vires and unsustainable in law.
- xix. The individual metering and direct billing by the licensee promotes accuracy in billing and reduction of disputes between residents and the association.
- xx. Denial of such individual metering results in hostile and unreasonable discrimination and is violative of the mandate of Article 14 of the Constitution of India.
- xxi. Compelling the complainant to remain dependent upon an intermediary viz association for access to an essential service also impinges upon a complainant's right to live with dignity which forms an integral part of Article 14 of Constitution of India.
- xxii. For all the aforesaid reasons the impugned order dated 23.01.2026 is liable to be set aside or read down and appropriate directions deserves to be issued in favor of the complainant.

Prayer/ relief

- a. Hold that the appellant is entitled to consideration of our application for grant of an independent domestic electricity connection in her own name in accordance with law.
- b. Set aside order dated 23.01.2026 to the extent it obstructs or delays such consideration without assigning any legally sustainable reason.
- c. The appellant is a single working mother with a minor daughter residing away from her native place and is a sole earning member of the family having no other independent source of income.
- d. For more than 05 years the tariff has been levied and enforced under the highest consumption slab which has caused undue financial hardship, mental distress and unnecessary burden upon her.
- e. Her monthly consumption is not consistently within the highest slab and therefore charging under highest slab is arbitrary, unjust and discriminatory in nature.



- f. Similarly situated consumers across the state are being extended the benefit of appropriate tariff slabs. The same benefit has not been extended to her which amounts to unequal treatment and is violative of principles of natural justice and fairness.
 - g. Such action of respondent is not only biased and arbitrary but also unconstitutional.
 - h. Despite repeated representations respondent has failed to take corrective steps to rationalize the billing or extend lawful tariff benefits.
 - i. Pass appropriate order to ensure that the applicable tariff slab is levied.
 - j. Direct the respondent to process her application under reference u/s 43 of Electricity Act, 2003 within stipulated time frame.
 - k. Pass order for same law/ rule for each consumer within the state like other states across the country.
 - l. 51% consent condition relied upon is not applicable to the appellant u/s 43 of the Act. 51% consent clause was designed only for bulk supply societies that wants to collectively convert its entire supply system from bulk to individual meters. She being occupant of flat D-102 in the society since the year 2020 is seeking an individual statutory connection u/s 43 of the Act.
 - m. Pass such other or further order as the Hon'ble Ombudsman may deem fit and proper in the facts and circumstances of the case.
3. The Forum after perusal of records and hearing arguments from both parties as also consulting UERC's order dated 07.10.2024 passed in petition no. 04/2024 and subsequent instructions issued vide letter no. UERC/7/CL/756/2024/25/1580 dated 03.03.2025 as also UPCL's office memorandum no. 1262/UPCL/Com/RMC-Misc/CE dated 10.03.2025 issued to enforce UERC's instructions issued vide order dated 07.10.2024 and subsequent directions issued vide letter no. 03.03.2025, was of the view that action on petitioner's application for new connection dated 06.10.2025 (registration no. 476101025002 dated 06.10.2025) shall be justified and logical in accordance with directions of UERC and have accordingly passed following order in complaint no. 73/2025 on 23.01.2026 "मंच द्वारा विपक्षी को आदेशित किया जाता है कि परिवादी के नये विद्युत संयोजन पंजीकरण संख्या 476101025002 दिनांक 06



अक्टूबर 2025 के आवेदन पत्र के संबंध में माननीय विद्युत नियामक आयोग के आदेश दिनांक 07.10.2024 एवं पत्रांक संख्या UERC/7/CL/756/2024/25/1580 dated 03.03.2025 के अनुसार कार्यवाही किया जाना सुनिश्चित करें। मंच द्वारा Secretary, Pacific Estate Resi. Welfare Society Near Anurag Nursery, Dehradun को भी आदेशित किया जा है कि परिवादी द्वारा रखरखाव/ विकास शुल्क के भुगतान न किये जाने के उपरान्त भी न्यायालयों के आदेशों के क्रम में उनकी बिजली आपूर्ति बन्द न की जाए। उक्त शुल्क की वसूली हेतु Developer /RWA अन्य उपलब्ध कानूनी चैनलों का उपयोग कर सकते हैं। उभय पक्ष एक दूसरे से किसी प्रकार का वाद व्यय/ प्रतिकर प्राप्त नहीं करेंगे।”

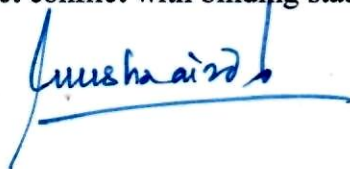
4. The respondent Executive Engineer has submitted his written statement vide letter dated 10.04.2026 in which he has submitted as follows:-

- i. The flat of Smt. Avani Sharma is situated in Pacific Estate near Anurag Nursery, Dehradun. A single point bulk supply connection exists in the said estate and billing for the flats in the said estate is being done by the estate itself.
- ii. Smt. Avani Sharma had applied for an individual connection in her name vide application dated 06.10.2025. The said connection has yet not been released in compliance to the instructions issued by UERC vide letter no. UERC/7/CL/756/2024-25/1580 dated 03.03.2025.
- iii. Release of connection to the aforesaid applicant shall be appropriate in accordance with Government of India Gazette notification no. 114 dated 22.02.2024 (Electricity Right to Consumer Amendment Rule 2024 Rule 14). Copy of UERC letter dated 03.03.2025 as also UPCL's OM no. 1262 dated 10.03.2025 and a copy of Gazette of India notification dated 22.04.2024 has been adduced with the written statement.

5. The petitioner has submitted her rejoinder dated 23.04.2026 along with a notarized affidavit. Wherein she has submitted as follows:-

1. Preliminary objections

- i. Reply filed by respondents is ex-facie illegal, misconceived and liable to be rejected being in-direct conflict with binding statutory provisions.



Further she has submitted that she relies upon the relevant provisions of the aforesaid rules, extracts of which are part of the record before the Hon'ble Ombudsman and hence are not being re-filed for the sake of brevity.

- ii. The respondent has acted in patent disregard of electricity (rights of consumer rules, 2020 as amended vide gazette notification dated 22.02.2024) which carry the force of subordinate legislation under Electricity Act, 2003.
- iii. It is a settled principle and subordinate legislation, once notified as binding force and cannot be diluted by
 - (3.1) Internal circulars
 - (3.2) Administrative practice
 - (3.3) RWA bylaws or resolutions

2. Statutory Rights to electricity connection

- iv. The right to electricity supply is a statutory right flowing from the Electricity Act, 2003 and the corresponding rules
- v. U/s 43 of Electricity Act, 2003 the distribution licensee is under statutory obligation to supply electricity to any owner/ occupier upon application within the prescribed time.
- vi. The said obligation is mandatory and not discretionary as consistently upheld by courts.

3. Illegality/ NOC/ Third Party control

- vii. The respondents insistence on NOC is wholly without authority of law and is therefore
 - (7.1) Ultravires the statutory framework
 - (7.2) Arbitrary and violative of Article 14 principles
 - (7.3) Void ab-initio
- viii. No provision under the rules for the act mandates NOC from RWA/ builder and hence such condition cannot be imposed indirectly
- ix. Private bodies such as RWA's have no statutory jurisdiction to regulation or restrict access to electricity supply which is the exclusive domain of the licensee.



4. Misuse of 50% consent provision

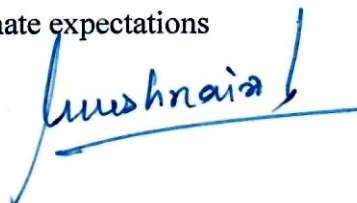
- x. The respondents reliance of 50% clause is misconceived and legally untenable.
- xi. No voting process, consent exercise or determination of majority has ever been conducted nor has any document been produced.
- xii. In absence of such determination, the respondent is estopped from invoking the said provision in view of the doctrine of estoppel.
- xiii. The 50% clause is enabling and not restrictive, and
 - 13.1 does not create a condition precedent.
 - 13.2 cannot defeat individual statutory rights
 - (13.3) cannot be selectively invoked to deny service
- xiv. The said provision merely facilitates "collective conversion from bulk supply to individual metering and does not operate as a restrictive clause however the rules does not state anywhere that
 - (14.1) An individual consumer is barred from applying independently.
 - (14.2) prior consent of 50% members is a mandatory precondition.
 - (14.3) Thus the 50% clause is enabling in nature for group conversion and not restriction on individual rights.
- xv. A statutory right cannot be rendered illusory due to administrative inaction as held in settled jurisprudence.

5. Failure to discharge of burden of proof.

- xvi. Respondent has failed to produce any statutory backing for
 - (16.1 NOC requirement
 - (16.2 denial of individual connection
 - (16.3 restriction based on society arrangements
- xvii. Mere assertions without legal foundation are liable to be rejected and cannot over right statutory mandate.

6. Violation of constitutional and legal principles

- xviii. The respondent's action violate
 - (18.1) doctrine of ultravires
 - (18.2) doctrine of arbitrariness (Article 14 jurisprudence)
 - (18.3) principles of natural justice
 - (18.4) doctrine of legitimate expectations



- xix. The denial of electricity amounts to denial of an essential service affecting the right to dignified living.

7. Judicial precedence

- xx. The following legal principles are well settled.

In Isha Marbles vs Bihar State Electricity board the Hon'ble Supreme Court held that the electricity supply is a statutory obligation and cannot be arbitrarily denied.

In Paschimanchal vidyut Nigam Ltd. vs DVS Steel and Alloys pvt. Ltd. it was held that electricity dues and supply obligations are governed strictly by statute and cannot be expended by extraneous conditions.

- xxi. It is a settled proposition that administrative conditions cannot over right statutory rules as consistently held in catena of judgments.

8. Prejudice caused

- xxii. A complainant has suffered grave and continuing prejudice including
(22.1) financial loss due to indirect/ unregulated billing
(22.2) lack of transparency
(22.3) dependence on unauthorized intermediaries

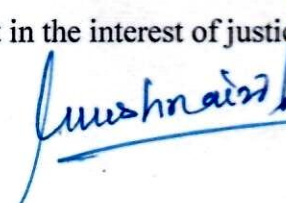
9. Legal positions

- xxiii. Electricity condition is a statutory entitlement under section 43.
xxiv. Rules notified in gazette are binding and overriding.
xxv. NOC requirement is ultravires and void.
xxvi. 50% clause is enabling, not restrictive.
xxvii. No voting = no legal defence available.

Prayer

In view of the above it is most respectfully prayed that the Hon'ble Ombudsman may be pleased to

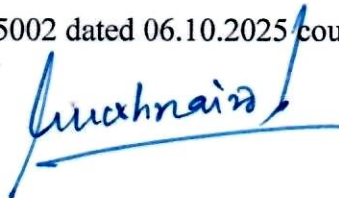
- a. Direct immediate release of individual electricity connection.
- b. Declare the insistence on NOC or third party approval as illegal and void ab-initio.
- c. Reject the respondent's reply as devoid of merit.
- d. Direct strict compliance with statutory provisions under the Electricity Act and rules.
- e. Pass any other order deemed fit in the interest of justice.



6. Hearing in the case was held on scheduled date 13.05.2026 while the petitioner appeared herself the respondents were represented by SDO Vasant Vihar. Both parties argued their respective case. Arguments were concluded order was reserved.

7. After perusal of records, documents and relevant UERC Regulations order dated 07.10.2024 and 03.03.2025 as also UPCL's office memorandum dated 10.03.2025 issued for ensuring compliance of UERC aforesaid orders and hearing arguments from both parties, it has come to notice as follows:-

- i. The petitioner's case is that she is occupier and owner of flat no. D-102 in Pacific Estate Resident Welfare Society near Anurag Nursery Vasant Vihar Dehradun where she has a domestic connection at her flat given by the society from its 400 KW/471 KVA single point bulk supply connection. her grievance is that the society is charging more than the tariff rates applicable to domestic consumers as per appropriate tariffs issued by UERC. Bills issued by society includes some other charges also towards maintenance etc. which is wrong being inconsistent with UERC tariff orders and thus she has been put to financial loss for a long time since the connection was given apart from mental harassment. To get rid of her grievances she applied for an independent domestic connection at her residence (registration no. 476101025002 dated 06.10.2025) but the licensee UPCL, respondent here through Executive Engineer, EDD South Dehradun has denied to give the connection at her flat on the grounds that action for giving connection by UPCL in the society can only be taken in accordance with order/ directions issued by UERC vide OM dated 07.10.2024 followed by letter no. 1580 dated 03.03.2025 and necessary instructions for ensuring compliance of above aforesaid UERC orders have duly been issued by UPCL vide its office memorandum no. 1216 dated 10.03.2025. As such the individual connection as applied for by the petitioner has not been given to her in accordance with aforesaid orders and directions. So her grievance persist and for redressal of the same she approached CGRF Dehradun where her complaint was registered at no. 73/2025 and was decided by the Forum vide its order dated 23.01.2026, being aggrieved with the same, she has preferred the instant petition.
- ii. The respondent's case is that the connection applied for by Smt. Avani Sharma registration no. 476101025002 dated 06.10.2025 could not be released



as no action on her application could be taken in compliance of Hon'ble UERC's order dated 03.03.2025. Further respondent's case is that connection applied for by the petitioner can only be given in accordance with gazette notification no. 114 dated 22.02.2024 of Government of India under which Clause 14 of Electricity (Right to Consumer amendment rule 2024) provides the conditions, on fulfillment of which connection can be given and as these conditions are not fulfilled no action on her application for connection could be taken.

8. The Forum after perusal of records and hearing both parties and relevant UERC orders as referred in the case has directed the opposite party to ensure action on complainant's application registration no. 476101025002 dated 06.10.2025 strictly in accordance with Hon'ble UERC's order dated 07.10.2024 and subsequent instruction issued vide letter no. UERC/7/CL/756/1024-25/1580 dated 03.03.2025. Further the Forum has also directed the Secretary Pacific Estate Resident's Welfare Society near Anurag Nursery Dehradun that supply of the complainant may not be disconnected even after nonpayment of maintenance and development charges by the complainant in accordance with orders by the Hon'ble Courts.
9. In view of the facts of the case as deliberated above Forum's order dated 23.01.2026 passed in complaint no. 73/2025 need not be interfered with and the same is liable to be upheld being consistent with Hon'ble UERC's order dated 07.10.2024 followed by subsequent instructions issued by UERC's letter dated 03.03.2025 and necessary instructions for enforcing compliance of UERC's aforesaid orders have also been issued by UPCL vide OM no. 1262 dated 10.03.2025. As no relief is admissible under the aforesaid orders, the petition is liable to be disposed off.

Order

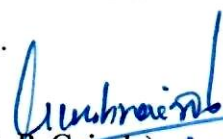
The Petition is disposed off. Forum order is upheld.

Dated: 16.06.2026

Order signed dated and pronounced today.

Dated: 16.06.2026


(D. P. Gairola) 16.06.2026
Ombudsman


(D. P. Gairola) 16.06.2026
Ombudsman