

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Asha Agarwal,
W/o Shri Rajeev Agarwal
Shop No. 06 Sitaram Ashram Trust,
Kankhal, Haridwar
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Urban)
Uttarakhand Power Corporation Ltd.
Haridwar, Uttarakhand

Representation No. 19/2026

Award

Dated: 30.06.2026

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 24.03.2026 in complaint no. 60/2026 by which Ld. Forum has dismissed the complaint of the appellant Smt. Asha Agarwal, W/o Shri Rajeev Agarwal, Shop No. 06 Sitaram Asharam Trust, Kankhal, Haridwar, Uttarakhand, (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division (Urban), Uttarakhand Power Corporation Ltd., Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner Smt. Asha Agarwal, W/o Shri Rajeev Agarwal has preferred the instant appeal dated 28.03.2026. She has averred nothing in the appeal except that Forum has passed order 24.03.2026 in her complaint no. 60/2026 with which she is not satisfied and has requested that a new connection be given to her. Copy of Forum order and complaint before Forum has been adduced.

As she has averred nothing in the said appeal a revised appeal was submitted by her on 14.04.2026 along with a notarized affidavit. In reply to this office letter no. 2458 dated 31.03.2026, she has averred as follows:-

Shop no. 06 is under her possession on rent for the last 03 years which is situated opposite Sitaram Ashram Chetandev Kutiya, Kankhal, Haridwar. Rent for the same is

(Signature)

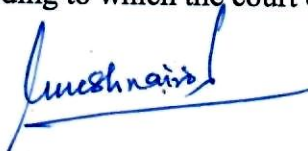
being paid to the trust. She has applied for a new connection in the said premises on 29.08.2024 registration no. 521290824005 which was rejected by the department on 06.09.2024 on land dispute grounds. Again she applied for a connection on 17.01.2026 (registration no. 111701260704) which was also rejected by the department on 12.02.2026 for the reasons that rent agreement has expired. She is already occupant of the shop and court has granted stay on vacation of the premises. She has requested that order may be issued for giving connection to her against the pending application. She has adduced the following documents, affidavit and photo copy of court order, order of CGRF, application (24 pages) and a photo of the shop from the front.

3. The Forum dismissed the complaint vide order dated 24.03.2026.
4. The respondent has submitted written statement vide letter no. 517 dated 02.05.2026. He has submitted as follows:-

The instant appeal no. 19/2026 has been preferred by Smt. Asha Agarwal, W/o Shri Rajeev Agarwal being aggrieved with Forum order dated 24.03.2026 passed in her complaint no. 60/2026 before the said forum. She has been a tenant in the referred property. As per rent agreement, the period was 03 years from 02.03.2023 to 31.12.2025 (photo copy enclosed). Shri Sitaram Das Omkar Nath trust has given a letter dated 12.01.2026 to SDO Bairagi Cantt with the intention that connection in the said premises may not be given without NOC from them. Further a case in Civil Court is also pending (photo copy enclosed). She had applied for a connection in the said premises the shop no. 06 on 17.01.2026 (reference no. 111701260704) which is still pending for want of complete documents.

The original case no. 481/2024 Pradeep Kumar and Others vs Sitaram Trust is pending before the Court of Civil Judge, (Junior Division) which has duly been mentioned in Forum's order dated 24.03.2026 passed in complaint no. 60/2026 under point no. 1, 2 and 3 for which reason the Forum had dismissed the complaint (photo copy enclosed).

After issue of aforesaid order by the Forum, the petitioner through her advocate has submitted the copy of court's order in case no. 481/2024 dated 14.01.2026, 13.02.2026 and 10.03.2026 according to which the court case is pending.

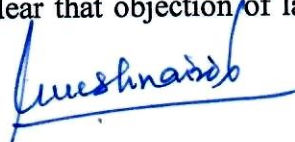


5. The petitioner has submitted a rejoinder dated 12.05.2026 along with a notarized affidavit. Pointwise replies have been submitted as follows:-

- i. She has gone through WS submitted by respondent and have duly understood it and the same is false and based on wrong averments.
- ii. It is wrong to say that complete documents were not adduced by her with her application for a new connection. Fact is that the petitioner is an authorized occupier of shop no. 06 situated at Sitaram Das Omkar Trust Dharamshala, Mahatama Gandhi Road, Kankhal. Prima facie considering her as an occupant tenant a case no. 481/2024 dated 20.11.2024 was filed before Civil Judge, Junior Division Haridwar. The Hon'ble Court has restrained the trust for any unauthorized interference and eviction from occupancy which order is still in force and the case is pending. Further she has stated that neither the trust being owner of the property neither the respondent has anywhere mentioned that the petitioner is not an occupier tenant.

It is mentioned that the CGRF has wrongly mentioned that period of tenancy has expired and the tenancy should have been registered. As per legal principle the tenancy can also be decided orally requiring no evidence. The registered tenancy is mandatory only where the tenancy is on yearly basis. Further the court case in the matter is pending.

- iii. The Forum has wrongly made out that the stay should have been finalized within 30 days. The Forum has not made it clear that the stay has been vacated. Further even if the stay would have been vacated then the case is not affected even then because as per Electricity Act, the appellant of a new connection necessarily need not be a tenant but as per law any occupier can take a electricity connection in his/her name. Because the Hon'ble Supreme Court has held **"Electricity Supply Act- occupier of the premises has right to obtain electricity connection- disconnection on the landlord objection illegal"** (LCD 2005-Page No. 634 Allahabad High Court).
- iv. The respondent in his written statement has stated that her application has been rejected on the objection of landlord which is wrong and void of law. The CGRF has dismissed the complaint on such basis. She has quoted that **"disconnection on the landlord objection illegal"** (CCC 2017 (4) Supreme Court Page no. 484). It is clear that objection of landlord is no constraint on

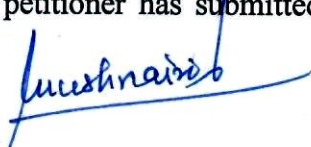


having electricity connection i.e. any occupier can take electricity connection in its name because he/she himself/ herself are responsible for payment of dues of electricity bills.

- v. The respondent has also stated in written statement that civil case no. 481/2024 is pending and her application has been rejected for that reason. She has mentioned that the case no. 481/2024 is not between her and electricity department and neither it is related with any dispute regarding electricity connection and charges for electricity. This court case is between the petitioner and landlord as she is a legal tenant and landlord intending to evict her from the premises and the case is that she should not be evicted from the property. Such being the case the pending case does not in any way affect her case for a new connection.
- vi. It is also wrong on the part of the respondent to say that mention of a erstwhile connection in the premises has not been made in her application and the Forum has also considered this in its order. She has clarified that whether there was any connection in the shop in the past or there was no such connection. It is not important. It is clear that the applicant being tenant/ occupier has no connection in the past and neither there was any outstanding dues on account of arrear of electricity bills. She has quoted the ruling of Hon'ble High Court of Allahabad which reads as **"Apply for electricity connection- charges of previous owner cannot be recovered from new owner or applicant"** (LCD 1996 (2) page no. 881). It is clear that outstanding arrears against a erstwhile connection in the premises cannot be recovered from the new occupier/owner or applicant. She is at liberty to take a connection in its name.
- vii. Her appeal is therefore liable to be allowed for all the reasons.

6. The respondent asked permission for engaging advocate to contest the case vide his letter no. 771 dated 21.05.2026 on the grounds that the petitioner has submitted her rejoinder through her advocate.

It is clarified that a perusal of petitioner's rejoinder dated 12.05.2026 shows that the said rejoinder has been signed by the petitioner Smt. Asha Agarwal only and it does not has signature of any advocate further no vakalatnama has also been adduced by the petitioner however, she has also submitted a notarized affidavit with her rejoinder as such his allegation that since the petitioner has submitted her rejoinder through



advocate, permission for engaging advocate be granted to him does not sustain. Her request for engaging advocate was disallowed by this office vide letter no. 2593 dated 22.05.2026.

7. Hearing in the case was fixed for 26.05.2026 which was shifted to 28.05.2026 which was subsequently fixed for 16.06.2026 as 28.05.2026 was declared by a holiday by Government of Uttarakhand vide order no. 753 dated 26.05.2026. Both parties appeared for arguments on scheduled date 16.06.2026 while petitioner appeared herself and the respondents were represented by SDO (Mobile No. 9412073706). Arguments were concluded order was reserved.
8. After perusal of documents available on file and hearing arguments from parties as well as after going through statutory provisions u/s 43 and 44 of Electricity Act, it is borne out that facts of the case are as described hereunder:-
9. The petitioner Smt. Asha Agarwal applied for a new connection at shop no. 06 on 29.08.2024 her application was rejected by respondents due to some alleged land dispute. She again applied for a new connection at the same premises on 17.01.2026 but it was also rejected by respondent on 12.02.2026 on the grounds that agreement had expired. However, the respondent in his written statement has averred that her application for a new connection dated 17.01.2026 is still pending for want of updated documents. She approached CGRF Haridwar with complaint no. 60/2026, the Forum dismissed the complaint vide its order dated 24.03.2026 in view of its observations reproduced below:-

“यह कि उत्तराखण्ड नियामक आयोग विनियम 2019 के प्रावधान – 3.1 उपनियम –3 के अनुसार— फोरम उन शिकायतों पर विचार नहीं करेगा जो उन्हीं विषयों से सम्बन्धित किसी न्यायालय, प्राधिकरण या किसी अन्य फोरम के समक्ष विचाराधीन है अथवा जिन पर किसी सक्षम न्यायालय, प्राधिकरण या किसी फोरम ने पहले ही डिक्री, निर्णय या अन्तरिम आदेश दे दिया है। उक्त स्थिति में प्रश्नगत परिवाद इस मंच के समक्ष पोषणीय नहीं है।”

यह कि परिवादिनी के कथनानुसार मामला सिविल न्यायालय में विचाराधीन है जिसमें न्यायालय ने अन्तरिम आदेश पारित किया हुआ है अन्तरिम आदेश का प्रतिवादी को सुनकर निस्तारण परिवादी के कथनानुसार न्यायालय में नहीं हुआ है जिसकी अवधि 30 दिन नियत होती है। निवर्तमान विद्युत होने का कथन मंच के समक्ष स्पष्ट नहीं किया गया है। उक्त स्थिति में



परिवादिनी को सिविल न्यायालय में विचाराधीन वाद में न्यायालय के समक्ष प्रार्थना पत्र प्रस्तुत कर नये विद्युत कनेक्शन हेतु न्यायालय से आदेश प्राप्त करना होगा।

यह कि उपरोक्त विचारण के दृष्टिगत परिवादिनी का परिवाद निरस्त किया जाना मंच की राय में उचित एवं विधी सम्मत है। तदनुसार निस्तारण किया जाता है।”

10. Forum in view that it cannot hear the complaint where a court case is already pending as per provisions of sub regulation of 3.1 of UERC Regulation, 2019 has dismissed the complaint. It is clarified that in the instant case a civil case no. 481/2024 was preferred before Civil Judge (Junior Division) Haridwar regarding property dispute and not related to release of electricity connection. In that civil case also the Hon'ble Court has yet not decided the case but has only granted stay on eviction of the occupier from the premises under dispute and the court under its order has restrained and directed the opposite parties not to evict the occupier from the property without following legal procedure. This stay order still continuing and any final order has yet been passed by the Hon'ble Civil Court. Forum's order dated 24.03.2026 is therefore not consistent with the quoted UERC regulation.

11. Section 43 of Electricity Act, 2003 which is reproduced below provides that the distribution licensee on receiving an application from owner or occupier of any premises give electricity supply to such premises within 01 month after receiving the application:-

“Duty to supply on request – Save as otherwise provided in this Act, every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply”

However subject to conditions as laid down but none of these conditions are applicable in the instant case which may prevent the licensee to give connection to the petitioner. It is further provided under the aforesaid section as reproduced below:-

Grant of electricity supply – The electricity connection can be granted to an owner or occupier of the premises. The word “occupier” has been defined to mean the owner or person in occupation of the premises”



The petitioner still is a bonafied occupier of the premises as the Hon'ble Civil Court has stayed her eviction from the premises and therefore she is entitled to get electricity connection against her pending application dated 17.01.2026.

The Electricity Act u/s 44 which is reproduced below provides certain exceptions from licensee's duty to supply electricity

"Exception from duty to supply electricity – Nothing contained in Section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control."

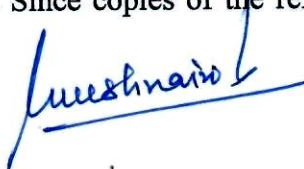
As none of these conditions prevail in the instant case whereby exempting licensee from its duty to give connection u/s 43, so connection to the petitioner cannot be denied or withheld under the provisions of this section also.

It would be appropriate to reproduce here proviso to sub regulation 3.3.2 (application for new LT connection of UERC Supply Code Regulation, 2020).

Provided that in case the applicant is unable to submit any of the document listed at a) to e) above, then the applicant shall be charged thrice the amount of security as per Table 3.4 to table 3.6 of Clause (11) of Sub – regulation 3.3.3. The owner of the premises, if different from the applicant, shall not be liable for payment of any dues against such connection."

It is clarified that respondent's stand for keeping her application dated 17.01.2026 (reference no. 111701260704) pending for want of updated/ complete documents as mentioned in his written statement no. 517 dated 02.05.2026 is not sustainable for not being consistent with the aforesaid provision of UERC regulation 2020 which clearly provides that in case any applicant is unable to submit any of the documents, as required, connection can be given on charging 03 times security and as such instead of keeping the application pending the respondents should have released the connection following the aforesaid provision of the regulation.

12. The petitioner in her rejoinder has referred some cases of Hon'ble Allahabad High Court and Hon'ble Supreme Court. Since copies of the referred case laws have not



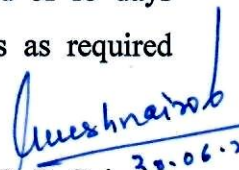
been adduced it is not possible to say whether these case laws are applicable in the instant case or not and therefore no comment can be given on such references.

13. It would be in the fitness of things to mention here that in an appeal no. 12/2022 decided by this Ombudsman in the past vide order dated 23.05.2022 has referred a case law of Hon'ble Supreme Court in writ petition no. 103/2013 in which the Hon'ble Supreme Court passed judgment dated 25.06.2013. The Hon'ble Supreme Court's judgment supports the petitioner's case in the instant appeal also. In view of this judgment also there is no justification for withholding release of connection in the instant case. A photocopy of the said judgment has been taken on this file of this case.
14. It is also appropriate to mention here that respondent's representative (The SDO) during hearing categorically admitted that there has been no electricity connection in the shop no. 6, in the past so there is no question of any outstanding dues against this premises, where the petitioner has applied for a new connection. In such a case, the respondents cannot deny or withhold petitioner's application for a applied new connection.
15. In view of above deliberations, clarifications and statutory provisions under Electricity Act, 2003, UERC Supply Code Regulation 2020 as also Hon'ble Supreme Court's judgments, the petition is liable to allowed and Forum order is liable to be set aside.

Order

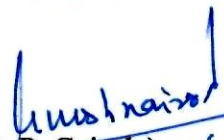
The Petition is allowed. Forum order is set aside. Respondents are directed to release the connection against petitioner's pending application within a period of 15 days after getting 03 times security and other service connection charges as required deposited from the petitioner.

Dated: 30.06.2026


(D. P. Gairola)
Ombudsman
30.06.2026

Order signed dated and pronounced today.

Dated: 30.06.2026


(D. P. Gairola)
Ombudsman
30.06.2026