

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Rajeev Rani
W/o Shri Shyam Goyal
Jam Ambe Ice Molls
Lodha Mandi, Jwalapur
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Jwalapur, Haridwar, Uttarakhand

Representation No. 06/2026

Award

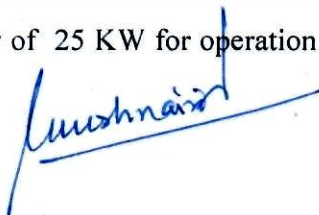
Dated: 15.07.2026

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 19.01.2026 in complaint no. 210/2025 by which Ld. Forum has dismissed the complaint by a majority order of Member Technical and Member Consumer while Member Judicial give dissenting order dated 13.01.2026 allowing the complaint and quashing the assessment of the appellant Smt. Rajeev Rani, W/o Shri Shyam Goyal, Jai Ambe Ice Molls, Lodha Mandi, Jwalapur, Haridwar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jwalapur, Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner Smt. Rajeev Rani, W/o Shri Shyam Goyal, R/o Jai Ambe Ice Molls, Lodha Mandi, Jwalapur, Haridwar has preferred the instant appeal dated 09.02.2026 through her attorney Shri Shyam Goyal, S/o late Shri Hansraj. She has averred as follows:-

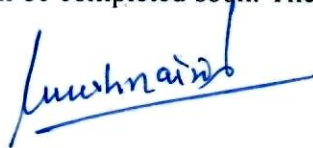
Brief facts of the case

- i. She has a 46 KVA connection no. JWK000001664 under the category RTS-7 new RTS-5 general LT industry of 25 KW for operation or establishment Jai



Ambe Ice Molls which is still operational, timely payments of bills for the said connection were being made.

- ii. In January 2024, it was transpired that her connection was consuming more electricity than her contracted load. Consequently, penalty was being imposed in the bills at double the rate for exceed load. She submitted an application with the department on January, 18 2024 for sanctioning additionally 14 KVA load thereby enhancing her existing 46 KVA load to 60 KVA. All the necessary documents were submitted with the application.
- iii. Her application was registered at no. 812020224002 by the department. After submission of application she kept on waiting for some time for the respondent department for doing needful but the department failed to take any further action. Consequently, she along with her husband repeatedly enquired from the department about her load enhancement application but the department failed to provide a proper answer.
- iv. In November 2024 she approached SDO to enquire about her application but the SDO started giving excuses.
- v. On 25.11.2024 suddenly an employee of the respondent came to her establishment when her husband was present at site. The said employee under the guise of a load increase installed a check meter no. 5136409 along with the existing main meter no. 19628490 and fraudulently and concealing true facts obtained a signature of her husband on some papers. On inquiry the said officer stated that the check meter was installed to determine the correct load as part of the load enhancement process. Once inspection is completed in a month the electricity load would be enhanced.
- vi. On 03.01.2025 departmental employees again visited her establishment and informed that the push button from the old meter was faulty they then installed the new meter and handed over a sealing report and removed the old meter which they took away.
- vii. Thereafter she along with her husband visited the office of department to know about her application for enhancement of load. The SDO informed that he has got the meter installed at her establishment checked and now the process of increasing load will be completed soon. Thereafter on 26.07.2025 a



smart meter no. 5712048 was installed at her connection in place of the existing meter which was installed on 03.01.2025.

- viii. On 20.08.2025 her husband again visited SDO to get to know about her load enhancement application. He was then handed over an assessment bill for Rs. 11,01,641.00 and the SDO asked him to pay the same alleging that the old meter which was installed at her establishment was showing no readings resulting into this assessment of Rs. 11,01,641.00 for the period 18.12.2023 to 03.01.2025.
- ix. Being aggrieved with the said unlawful penalty and failure to enhance the load by the department she preferred a complaint before CGRF Haridwar with registration no. 210/2025 on 26.08.2025. Copy of the complaint along with documents is filed as annexure No. 1.
- x. The respondents filed their reply against her complaint, she has stated that averments of which were false, baseless and malafide. A copy of the said reply dated 27.09.2025 is enclosed as Annexure-2.
- xi. Its rebuttal was submitted by her on 11.11.2025, copy of which is enclosed as Annexure No. 3.
- xii. Thereafter on 21.01.2026, she came to know that the Forum comprising of 03 persons i.e. Member Judicial, Member Consumer and Member Technical passed two separate judgments. Member Judicial passed order dated 13.01.2026 operative part of the said order is as follows:-
"परिवादी द्वारा प्रस्तुत परिवाद स्वीकार किया जाता है। विद्युत विभाग को आदेशित किया जाता है कि परिवादी का विद्युत भार बढ़ाये जाने के आवेदन को सवीकार किया जाकर विधि अनुसार विद्युत भार बढ़ाया जाये। परिवादी के विरुद्ध पत्रांक संख्या- 5547 दिनांकित 01.08.2025 (कागाज संख्या 67, 68) के द्वारा निर्धारित धनराशी रु0 11,01,641.00 को निरस्त किया जाता है। परिवादी के आवेदन पंजीकरण संख्या 812020224002 के दिनांक के उपरांत से परिवादी को प्रेषित बिलों के द्वारा वसूला गया दंड प्रभार धनराशी परिवादी को वापस किये जाने हेतु उसके आगामी बिलों के भुगतान में समायोजित किया जाये। विद्युत विभाग आदेश की अनुपालन आख्या आदेश तिथि से 30 दिन के भीतर मंच के समक्ष प्रस्तुत करे।
Copy of the order dated 13.01.2026 is being filed Annexure-4.
- xiii. Member Technical and Member Consumer passed order dated 19.01.2026 to reject the complaint. Operative part of the said order is as follows:-



आदेश

परिवादिनी द्वारा प्रस्तुत यह परिवाद ठोस आधार के प्रभाव में खारिज किया जाता है

A certified copy of this order is enclosed as Annexure-5.

Hence being aggrieved by impugned order dated 19.01.2026 passed by Member Technical and consumer, the instant appeal is being filed inter alia on the following grounds.

Grounds of appeal

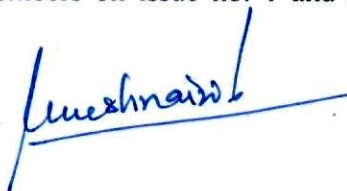
Because-

- i. Both Member Technical and consumer failed to consider this fact that the appellant herself for any demand raised by the respondent applied for enhancement of load.
- ii. Both the above members wrongly erred that the complainant was duly informed about the demand for load enhancement through email and SMS.
- iii. No intimation of whatsoever was ever received by her vis-à-vis the respondent also failed to act in accordance to the prescribed procedure as laid down under rules.
- iv. Both the aforesaid members failed to consider Section 171 of the Electricity Act.
- v. Both the above members erred in wrongly shifting the burden of proof to negate the fact that the alleged message as claimed to have been issued by the respondent were delivered upon them or not provide intimation of messages by the respondent upon the appellant reads failed to consider this fact that the demand/notice issued by the respondent to the appellant was subsequent to the application submitted by the appellant for ready reference relevant aspect of the impugned order are as follows:-

"विपक्षी विभाग के कथनानुसार, वांछित शुल्क ₹0 224000.00 की धनराशि जमा किए जाने की सूचना, ऑनलाइन प्रणाली के माध्यम से, परिवादिनी के उसी पंजीकृत मोबाइल नंबर- 7409316028 पर दी गई है जिस पर भार वृद्धि हेतु प्रेषित आवेदन की सूचना, परिवादिनी को प्राप्त हुई है। परिवादिनी द्वारा उक्त सूचना प्राप्त न होने के सापेक्ष, मोबाइल पर प्राप्त एसएमएस का विवरण साक्ष्य के रूप में प्रस्तुत नहीं किया गया है जिससे यह सिद्ध हो सके कि विपक्षी विभाग द्वारा उक्त के सम्बन्ध में दिनांक 28.02.2024 को कोई भी सूचना प्रेषित नहीं की गई है।"



- vi. Both the above members failed to consider this fact that under law the burden to prove lies upon the person who asserts and not upon who negates.
- vii. Both the above members erred in not considering the fact that all the penalties as a whole since inception were required to be waived as per rules.
- viii. Both the above members failed to consider that entire bill which included penalty after the date on which the appellant moved application was liable to be quashed.
- ix. Both the above members failed to consider that that the respondent was at fault by not disposing the application timely and therefore by not informing the respondent about the alleged demand against enhancement of electricity load and hence and cannot take any advantage of their own wrong.
- x. The appellant was never at fault and was always under a belief that he has applied for enhancement of load and hence no penalty can be imposed and the delay by the respondent which is subject to their procedural acts.
- xi. Both the above members erred in not considering the rules and regulations in its true spirit.
- xii. Both the above members have not considered the evidence filed by her in the complaint.
- xiii. Both the above members have not considered the provision of electricity Act and supply code.
- xiv. Both the above members have wrongly interpreted the material on record and pleadings of the parties.
- xv. The procedure followed by the respondent while dealing the case was not proper and adequate and correctly set aside the bill under dispute.
- xvi. Member T and C failed to consider this aspect that the respondent erred in not removing the imposed penalty.
- xvii. The observation made by the aforesaid 02 members in regard to penalty is based upon presumptions.
- xviii. The findings of these 02 members on issue no. 1 and 2 are wrong and against law.



- xix. The order passed by these 02 members is not a reasoned order.
- xx. The order passed on 19.01.2026 by the aforesaid 02 members is against effects, law, merits and is not enable in law.
- xxi. Their judgment is erroneous and is based on appreciation of incorrect facts.
- xxii. These 02 members have not followed the principle of natural justice while passing the impugned order.
- xxiii. These 02 members have passed the judgment arbitrarily, illegally and capriciously.
- xxiv. They have passed the impugned order on the basis of surmises and conjectures.
- xxv. The respondents have failed to discharge the burden of proof placed upon it.
- xxvi. The respondents have concealed the material facts.
- xxvii. The order passed by the aforesaid 02 members is nonest in the eyes of law. It is therefore requested that the appeal may kindly be allowed and order dated 19.01.2026 passed by Member Technical and Member Consumer in case no. 210/2025 of the petitioner be set aside and her complaint be allowed for all reliefs claimed and any of the relief in the nature of compensation or damages as the Hon'ble Authority deems fit and proper under the above circumstances. The documentary evidences as referred and the affidavit has been adduced with the petition.

3. **Forum order dated 19.01.2026**

A majority of 02 members of the Forum viz Member Technical and Member Consumer have passed order dated 19.01.2026 in complaint no. 210/2025 "परिवादिनी द्वारा दिनांक 18.01.2024 को अनुबंधित भार-39 किलोवाट के अतिरिक्त 11 किलोवाट भार वृद्धि हेतु प्रेषित आवेदन पर अविलंब कार्यवाही करते हुए अनुबंधित भार में वृद्धि की जाए तथा उक्त दिनांक 18.01.2024 के पश्चात् अतिरिक्त भार पैनल्टी के रूप में वसूली गई धनराशि, परिवादिनी को लौटाई जाए। विपक्षी विभाग द्वारा गलत तरीके से आरोपित किए गए निर्धारण की धनराशि ₹0 1100641.00 को निरस्त किया जाए। उपरोक्त बिंदु संख्या-1 के परिप्रेक्ष्य में पत्रावली में उपलब्ध प्रपत्रों के अवलोकन से यह विदित होता है कि परिवादिनी द्वारा प्रश्नगत विद्युत संयोजन के सापेक्ष, अनुबंधित विद्युत भार 39 किलोवाट को बढ़ाकर 50 किलोवाट किए

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जाने हेतु, दिनांक 18.01.2024 को हस्ताक्षरित, आवेदन पत्र, विपक्षी विभाग को प्रेषित किया गया है जिसे विपक्षी विभाग द्वारा पंजीकरण संख्या - 812020224002 के माध्यम से दिनांक 02.02.2024 को पंजीकृत किया गया है। उक्त पंजीकरण का विवरण, परिवादिनी को, विपक्षी विभाग द्वारा अपनाई जा रही ऑनलाईन प्रणाली के माध्यम से प्राप्त हुई है जिसमें परिवादिनी का मोबाइल नंबर-7409316028 तथा ईमेल पता- rajeevrani@gmail.com अंकित है।

विपक्षी विभाग द्वारा प्रस्तुत पंजीकरण विवरण के अनुसार, विपक्षी विभाग द्वारा दिनांक 03.02.2024 को परिवादिनी के परिसर पर निर्गत संयोजन का निरीक्षण किया गया है। विपक्षी द्वारा दिनांक 28.02.2025 को आवेदिन भार को स्वीकृत/ अनुमोदित किया गया है तथा मा0 उत्तराखण्ड विद्युत नियामक आयोग द्वारा अधिसूचित विनियम -2020 के अध्याय-3.3.3 (11) के प्राविधानों के अनुसार प्रतिपूर्ति मद में ₹0 75000.00, आवेरहेड लाइन चार्जज मद में ₹0 24000.00 तथा सब स्टेशन चार्जज मद में ₹0 200000.00 कुल ₹0 224000.00 की धनराशि जमा किए जाने हेतु परिवादिनी को, दिनांक 28.02.2024 को सूचित करते हुए दिनांक 29.03.2024 तक का समय प्रदान किया गया है। विपक्षी विभाग के कथनानुसार, वांछित शुल्क ₹0 224000.00 की धनराशि जमा किए जाने की सूचना, ऑनलाईन प्रणाली के माध्यम से, परिवादिनी के उसी पंजीकृत मोबाइल नंबर-7409316028 पर दी गई है जिस पर भार वृद्धि हेतु प्रेषित आवेदन की सूचना, परिवादिनी को प्राप्त हुई है। परिवादिनी द्वारा उक्त सूचना प्राप्त न होने के सापेक्ष, मोबाइल पर प्राप्त एसएमएस का विवरण साक्ष्य के रूप में प्रस्तुत नहीं किया गया है। जिससे यह सिद्ध हो सके कि विपक्षी विभाग द्वारा उक्त के सम्बन्ध में दिनांक 28.02.2024 को कोई भी सूचना प्रेषित नहीं की गई है।

मा0 उत्तराखण्ड विद्युत नियामक आयोग द्वारा अधिसूचित विनियम-2020 के अध्याय -3.3.3 के अंतर्गत प्राप्त आवेदन की तिथि वितरण अनुज्ञापतिधारी द्वारा उपर्युक्त प्रारूप में सभी प्रकार से पूर्ण आवेदन पत्र, आवश्यक शुल्क तथा अन्य अपेक्षित कार्यवाही दर्शित करने वाले दस्तावेजों के साथ प्राप्त करने की तिथि होगी। पत्रावली में उपलब्ध अभिलेखों से विदित होता है कि परिवादिनी द्वारा, विद्युत भार में वृद्धि हेतु वांछित शुल्क ₹0 224000.00 का भुगतान नहीं किया गया है। परिणामस्वरूप परिवादिनी द्वारा भार वृद्धि हेतु दिनांक 02.02.2024 को पंजीकृत आवेदन पत्र को दिनांक 26.04.2024 को अस्वीकार (Reject) किया गया है जो कि सही प्रतीत होता है परिवादिनी द्वारा, दिनांक 18.01.2024 के पश्चात निर्गत कुल 20 बिलिंग चक्रों के सापेक्ष, 19 बिलिंग चक्रों में अनुबंधित भार- 39 किलोवाट से अधिक विद्युत भार का उपभोग किया गया है तथा उक्त 20 बिलिंग चक्रों के सापेक्ष, 18 बिलिंग चक्रों में, परिवादिनी द्वारा आवेदित भार वृद्धि के उपरांत कुल भार- 50 किलोवाट से अधिक विद्युत भार का उपभोग किया गया है। परिवादिनी द्वारा, दिनांक 18.01.2024 को भार वृद्धि हेतु प्रस्तुत आवेदन पत्र को विपक्षी विभाग



द्वारा 02.02.2024 को पंजीकृत किए जाने के उपरान्त विपक्षी विभाग द्वारा की गई कार्यवाही के संज्ञान हेतु कोई भी पत्राचार नहीं किया गया है। उक्त के परिप्रेक्ष्य में विपक्षी द्वारा आरोपित अतिरिक्त भार पैनल्टी मद में जमा की गई धनराशि नियमानुसार सही प्रतीत होती है।

उपरोक्त तथ्यों के आलोक में परिवादिनी द्वारा बिंदु संख्या-1 के सापेक्ष किसी भी प्रकार का कोई अनुतोष दिया जाना संभव नहीं है।

उपरोक्त बिंदु संख्या-2 के परिप्रेक्ष्य में पत्रावली में उपलब्ध प्रपत्रों के अवलोकन से यही बिंदित होता है कि परिवादिनी के संयोजन पर दिनांक 25.11.2024 को सिलिंग प्रमाणपत्र संख्या-1781/035 दिनांक 25.11.2024 के माध्यम से चैक मीटर संख्या-5136409 स्थापित किया गया है जिसे दिनांक 03.01.2025 को, सिलिंग प्रमाणपत्र संख्या-1781/039 दिनांक 03.01.2025 द्वारा फाइनल किया गया है। उपरोक्त सिलिंग प्रमाणपत्रों में अंकित विवरण के अनुसार, परिवादिनी के प्रश्नगत संयोजन पर स्थापित मीटर संख्या-19628490 पर चैक मीटर की तुलना में निम्नानुसार कम विद्युत खपत मात्रा रिकार्ड की गई है:-

विवरण	मेन मीटर संख्या - 19628490		चैक मीटर संख्या- 5136409	
	केडब्लूएच	केवीएच	केडब्लूएच	केवीएच
दिनांक 03.01.2025	38614	43445	269	303
दिनांक 25.11.2024	38432	43230	02	03
टंतर	182	215	267	300
गुणोंक	15	15	20	20
विद्युत खपत	2730	3225	5340	6000
चैक मीटर के सापेक्ष, मेन मीटर पर दर्ज कम विद्युत खपत का प्रतिशत केडब्लूएच के आधार पर	$((5340-2730)/5340 \times 100 = 48.88\%$			
चैक मीटर के सापेक्ष, मेन मीटर पर दर्ज कम विद्युत खपत का प्रतिशत केवीएच के आधार पर	$((6000-3225)/6000 \times 100 = 46.25\%$			

उपरोक्त विवरण से स्पष्ट है कि परिवादिनी के प्रश्नगत संयोजन पर दिनांक 25.11.2024 से दिनांक 03.01.2025 तक की अवधि में मेन मीटर संख्या-19628490 पर चैक मीटर संख्या-5136409 की तुलना में केवीएच आधार पर 46.25 प्रतिशत कम विद्युत की मात्रा रिकार्ड

Lushnair

की गई है। उक्त मीटर सिलिंग प्रमाण पत्रों पर परिवादिनी के प्रतिनिधि के हस्ताक्षर स्पष्ट रूप से अंकित है जिसकी पुष्टि परिवादिनी द्वारा भी की गई है। सिलिंग प्रमाणपत्रों तथा मीटर संख्या- 19628490 की एमआरआई रिपोर्ट का अवलोकन किए जाने पर आर तथा वाई फेज की मीटरिंग वोल्टेज कम होने की पुष्टि होती है। परिणामस्वरूप विपक्षी विभाग द्वारा दिनांक 18.12.2023 से दिनांक 03.01.2025 तक की अवधि में मीटर संख्या- 19628490 पर दर्ज 46.25 प्रतिशत कम विद्युत मात्रा में सापेक्ष विद्युत मूल्य आदि का निर्धारण करते हुए रू0 1101641.00 की धनराशि से परिवादिनी को अवगत करवाया गया है। मीटर सिलिंग प्रमाणपत्र संख्या - 1781/035 दिनांक 25.11.2024 तथा 1781/039 दिनांक 03.01.2025 पर परिवादिनी की उपस्थिति में चैक मीटर स्थापित किए जाने तथा चैक मीटर फाइनल किए जाने की सम्पूर्ण कार्यवाही सम्पन्न की गई है तथा उक्त मीटर सिलिंग प्रमाणपत्रों में अंकित विवरण मुख्य रूप से मीटर नंबर सीटी की क्षमता, गुणांक, मीटर रीडिंग, बॉडी सील, टर्मिनल प्लेट सील, मीटर बॉक्स सील आदि का संज्ञान परिवादिनी के प्रतिनिधि द्वारा लिया गया है क्योंकि मीटरिंग प्रणाली में स्थापित सभी सीलों को सही अवस्था में रखे जाने का उत्तरदायित्व परिवादिनी पर निहित है। परिवादिनी के प्रतिनिधि को हस्तगत की गई सिलिंग प्रमाणपत्रों की फोटो कॉपी में स्पष्ट रूप से अंकित किया गया है कि मीटर संख्या -19628490 तथा 5136409 की एमआरआई कर ली गई है। मीटर सिलिंग प्रमाणपत्रों के अवलोकन से विदित होता है कि उपरोक्त मीटरों की एमआरआई रिपोर्ट, परिवादिनी को हस्तगत नहीं की गई है। विपक्षी विभाग द्वारा उक्त मीटर सिलिंग प्रमाणपत्रों की मूल प्रतियों में, एमआरआई रिपोर्ट संलग्न किए जाने का उल्लेख किया गया है, परंतु अन्य किसी भी विवरण से छेड़छाड़ नहीं की गई है। परीक्षण अनुभाग द्वारा उक्त मीटर सिलिंग प्रमाणपत्रों के मूल प्रतियों पर जिनकी छाया प्रति परिवादिनी के प्रतिनिधि को पूर्व में निर्गत की जा चुकी है किसी भी प्रकार की टिप्पणी अंकित किया जाना उचित नहीं है जिस हेतु, विपक्षी विभाग द्वारा दोषी कार्मिकों के विरुद्ध वांछित कार्यवाही किए जाने की आवश्यकता है। प्रश्नगत प्रकरण में परिवादिनी विपक्षी विभाग के विरुद्ध सक्षम स्तर पर कार्यवाही किए जाने हेतु स्वतंत्र है।

चैक मीटर संख्या- 51364098 की परीक्षण रिपोर्ट पत्रावली में उपलब्ध है परंतु उक्त रिपोर्ट परिवादिनी को उपलब्ध कराए जाने का साक्ष्य पत्रावली में उपलब्ध नहीं है। प्रश्नगत प्रकरण में मीटर संख्या- 19628490 का परीक्षण की आवश्यकता न होने के कारण विपक्षी विभाग द्वारा उक्त मीटर संख्या 19628490 का परीक्षण किसी भी प्रयोगशाला में नहीं कराया गया है। अतः मा0 उत्तराखण्ड विद्युत नियामक आयोग द्वारा अधिसूचित अविनिआ (विद्युत आपूर्ति संहिता, नये संयोजनों को जारी करना तथा संबंधित मामले) विनियम, 2020 के अंतर्गत प्राविधानित अध्याय 5.1.3 (6/7) के प्राविधान प्रश्नगत प्रकरण पर लागू नहीं होते हैं। अतः उपरोक्त तथ्यों के



आलोक में मंच की राय में, विपक्षी विभाग द्वारा परिवादिनी के प्रश्नगत विद्युत संयोजन पर पूर्व में गतिमान मीटर संख्या- 19628490 की मीटरिंग प्रणाली में आर तगि वाई- फेज में कम मीटरिंग वोल्टेज की उपलब्धता के दृष्टिगत दिनांक 25.11.2024 को चैक मीटर संख्या-5136409 स्थापित किए जाने तथा चैक मीटर की फाइनल रिपोर्ट के आधार पर दिनांक 18.02.2023 से दिनांक 03.01.2025 तक की अवधि में परिवादिनी द्वारा की गई वास्तविक विद्युत खपत के सापेक्ष उक्त मीटर संख्या- 19628490 पर 46.25 प्रतिशत कम दर्ज की गई विद्युत खपत के विरुद्ध विद्युत मूल्य आदि मद में रु० 1101641.00 का राजस्व निर्धारण किया जाना सही प्रतीत होता है। अतः परिवादिनी का यह परिवाद ठोस आधार के अभाव में खारिज किए जाने योग्य है।

Dissenting judgment dated 13.01.2026 by Member Judicial

The Member Judicial have deliberated the case in detail in view of relevant UERC Supply Code Regulations, 2020 under sub regulation 3.4.3 (3) & (4) sub regulation 4.1.1 (5) , (6) & (7) regarding enhancement of load sub regulation 5.1.3 and 5.2.3 (4) testing of meter as well as Section 171 (Services of notice, orders or documents of Electricity Act, 2003 vis-à-vis the submissions by both the parties before the Forum through documents as well as during hearing have arrived at a conclusion that "परिवादी के प्रार्थनापत्र कागज संख्या 93 पर दोनों सिलिंग रिपोर्ट संख्या- 035/1781 दिनांकित 25.11.2024 व संख्या-039/1781 दिनांकित 03.01.2025 विपक्षी द्वारा कागज संख्या-106 के साथ मूल रूप से संलग्न कर मंच के सामने प्रस्तुत की गई जिनपर कागज संख्या-107,108 अंकित किया गया। परिवादी की ओर से उसे विपक्षी द्वारा दी गई रिपोर्ट की द्वितीय प्रति सशपथ मंच के समक्ष प्रस्तुत की गई जिन पर कागज संख्या-111 व 115 अंकित किया गया। दोनों रिपोर्ट के मिलान करने पर पाया गया कि विभाग द्वारा मंच के समक्ष साक्ष्य में प्रस्तुत सिलिंग रिपोर्ट व परिवादी को दी गई प्रति में अन्तर है। विपक्षी द्वारा साक्ष्य से मिथ्या रूप से संशोधन किया गया है।

उक्त से स्पष्ट है कि विपक्षी की परिवादी के प्रति मंशा साफ नहीं है उसके द्वारा विधिक प्रावधानों का जानबूझकर उल्लंघन किया गया है। विपक्षी के कृत्य में ईमानदारी व गम्भीरता का अभाव है। कानून का पालन किया जाना परिवादी एवं विपक्षी दोनों का कर्तव्य है विपक्षी के कर्मचारी दक्ष एवं शिक्षित होने के कारण उनके द्वारा मिथ्या साक्ष्य तैयार कर साक्ष्य में मंच समक्ष जानबूझ कर प्रस्तुत करना दण्डनीय उपराध की श्रेणी में आता है। विपक्षी के उक्त कृत्य से परिवादी के इस कथन को बल मिलता कि परिवादी द्वारा उसका विद्युत भार न बढ़ाये जाने के



विरुद्ध उच्च अधिकारियों से शिकायत करने के विषय में बोला था जिसका कारण विपक्षी द्वारा जानबूझकर मिथ्या साक्ष्य तैयार कर परिवादी का उत्पीड़न किया जा रहा है।

उरोक्त विचारण के दृष्टिगत विपक्षी द्वारा पत्राक संख्या- 5547 दिनांकित 01.08.2025 (कागत संख्या- 67,68) के द्वारा निर्धारित धनराशि रू0 11,01,641.00 विधि सम्मत नहीं है। वाद बिन्दु संख्या-02 विपक्षी के विरुद्ध निस्तारित किया जाता है।

निस्तारण वाद बिन्दु संख्या-03 परिवादी के अतिरिक्त प्रार्थनापत्र कागज संख्या- 111- 112 मय संलग्नक 113, 114, 115 पर परिवादी किस अनुतोष का पाने का अधिकारी है?

उक्त वाद बिन्दु से सम्बन्धित विषय पर वाद बिन्दु संख्या-02 पर विचारण में परिलिखित है कि दोनो रिपोर्ट के मिलान करने पर पाया गया कि विभाग द्वारा मंच के समक्ष साक्ष्य में प्रस्तुत सिलिंग रिपोर्ट व परिवादी को दी गई प्रति में अन्तर है। विपक्षी द्वारा साक्ष्य से मिथ्या रूप से संशोधन किया गया है। जोकि एक अपराध की श्रेणी का कृत्य है जिसके विरुद्ध इ समंच का कार्यवाही करने का अधिकार रही है। परिवादी यथा संभव कार्यवाही हेतु स्वतंरु है। तदनुसार निस्तारण किया जाता है।

निस्तारण वाद बिन्दु संख्या-04 विपक्षी द्वारा परिवादी पर लगाया गया अथवा वसूला गया अतिरिक्त भार/मांग जुर्माना विधिक दृष्टि से कितना उचित है?

उक्त बिन्दु के निस्तारण हेतु विद्युत आपूर्ति संहिता 2020 के प्रावधान 5.2.3 के बिन्दु -4 के अन्तर्गत विचार किया जाना आवश्यक है जिसके अनुसार The penal charges for excess load/demand shall not be applicable to the consumers who have submitted their duly filled application for the appropriate load enhancement (along with the requisite documents & amount) from the next billing cycle.

परिवादी द्वारा अपने विद्युत कनेक्शन संख्या- JW0K000001664 विद्युत भार 46 KVA को बढ़ाकर 60 KVA करने हेतु विधिवत आवेदन पंजीकरण संख्या- 812020224002 के द्वारा दिनांक 01.01.2024 को किया गया। उक्त का विधिवत निस्तारण विपक्षी द्वारा आज तक भी नहीं किया गया है। उक्त स्थिति में अधिक भार/मांग के लिए दंड प्रभार परिवादी पर लागू नहीं किया जाना चाहिए। अतः परिवादी के आवेदन पंजीकरण संख्या- 812020224002 के दिनांक के उपरांत से परिवादी को प्रेषित बिलों के द्वारा वसूला गया दंड प्रभार धनराशि परिवादी को वापस किये जाने हेतु उसके आगामी बिलों के भुगतान में समायोजित की जानी न्यायहित में आवश्यक है।



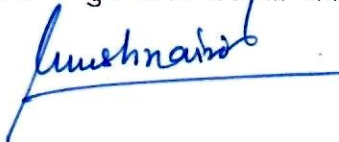
Having observed as above the Member Judicial has passed the following order.

आदेश

परिवादी द्वारा प्रस्तुत परिवाद स्वीकार किया जाता है। विद्युत विभाग को आदेशित किया जाता है कि परिवादी का विद्युत भार बढ़ाये जाने के आवेदन को स्वीकार किया जाकर विधि अनुसार विद्युत भार बढ़ाया जाये। परिवादी के विरुद्ध पत्रांक संख्या- 5547 दिनांकित 01.08.2025 (कागज संख्या- 67, 68) के द्वारा निर्धारित धनराशि रू0 11,01,641.00 को निरस्त किया जाता है। परिवादी के आवेदन पंजीकरण संख्या - 812020004002 के दिनांक के उपरान्त से परिवादी को प्रेषित बिलों के द्वारा वसूला गया दंड प्रभार धनराशि परिवादी को वापस किये जाने हेतु उसके आगामी बिलों के भुगतान में समायोजित किया जाये। विद्युत विभाग आदेश की अनुपालन आख्या आदेश तिथि से 30 दिन के भीतर मंच के समक्ष प्रस्तुत करे।

4. The respondent, Executive Engineer has submitted his written statement vide letter no. 2101 dated 12.03.2026. He has submitted as follows :-

- i. Connection no. JW0K00001664 of the petitioner under category HTN 72/New RTS-5 Genral LT Industry above 25 KW is in existence w.e.f. 30.05.1986 for 39 KW /46 KVA contracted load supply is at 0.4 KVA. LTCT connection meter no. 19628490 was the installed meter at the premises with MF 15. After finalization of check meter, the meter no. 5136409 was existing as consumer meter from 03.01.2025 with MF 20 (enclosure Page 1-6 billing history).
- ii. Point no. 2 and 3 - The petitioner had applied for enhancement of load from 39 KW/ 46 KVA by 11 KW (enclosure- page 7 to 10) which was registered on 02.02.2024 with registration no. 812020224002 (enclosure page 11). (The petitioner has enclosed 01 page of the registration with the petition) which was duly informed on mobile no. -7409316028. The petitioner was informed on 28.02.2024 on mobile no. 7409316028 for depositing Rs. 2,24,000.00 (enclosure page -12) but on non deposition of the aforesaid amount Rs. 2,24,000.00 by the petitioner the aforesaid registration was rejected on 26.04.2024 (enclosure page -13). She was also informed on mobile no. 7409316028. So, the petitioner's averment under para 3 of the petition that "आवेदन करने के पश्चात प्रार्थिया ने कुछ समय तक तो अपने द्वारा किए गये आवेदन



के आधार विपक्षी विभाग के द्वारा भार बढ़ाये जाने की कार्यवाही किए जाने का इंतजार किया। परन्तु विपक्षीगण के द्वारा कोई अग्रिम कार्यवाही नहीं किए जाने पर प्रार्थिया व उनके पति के द्वारा कई बार विपक्षीगण से अपने आवेदन पर कार्यवाही कर लोड बढ़ाये जाने के सम्बन्ध में जानकारी करनी चाही तो विपक्षीगण के द्वारा प्रार्थिया व उसके पति को कोई सपष्ट जवाब नहीं दिया गया।" This averment is not acceptable by the department as information about the aforesaid registraition was duly given to her on mobile no. 7409316028. 01 page of registrarion was enclosed by her with the petition which clearly shows that the above averment is baseless.

iii. Point no. 4 – The petitioner is fully authorized to refer the matter to higher authorities if he felt that no action or any clear information was not being given to her regarding her application to load enhancement. But there is no such evidence to show that she approached the higher authorities. So averments under para 4 of the petition are baseless.

iv. Point no. 5 – Check meter no. 5136409 was installed at her installed meter 19628490 on 25.11.2024 vide sealing certificate no. 1781/035 dated 25.11.2024 is carries signatures of her husband (enclosure page -14). Further it is also mentioned on the aforesaid sealing certificate that *MRI Analysis में दो Phase में volatage Low (R & Y)* होने के कारण Energy के सही मापन के लिए अतिरिक्त मीटर लगाया गया। आज सुबह उपभोक्ता को अतिरिक्त मीटर लगाने की जानकारी AE (M) द्वारा phone पर दी गयी।"

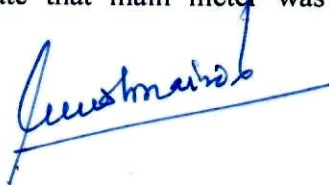
"दोनों मीटर की MRI कर ली गयी।"

"अतिरिक्त मीटर Test Bench से चैक किया हुआ लगाया गया।"

"पुराना cubical box damage हो रखा है। केवल R & Y phase में ही load प्राप्त हुआ दोनों मीटर MRI की संलग्न हैं।"

MRI of both the meters along with phaser are enclosed (page no. 26 to 28). Information for installation of check meter was given to the petitioner by AE (M) over the phone. All the informations were duly mentioned on sealing certificate dated 25.11.2024 which carries signature of her husband. It is therefore clear that averments under para 5 are baseless.

v. Point no. 6 – Sealing certificate no. 1781 /039 dated 03.01.2025 for check meter finalization was duly given to her husband on 03.01.2025 which is also duly signed with her husband (enclosure page 29 to 30). It is also duly recorded under sealing certificate that main meter was running slow in



comparison to check meter by 46.2 % in KVAH. It is also mentioned on sealing certificate dated 03.01.2025 that " अतिरिक्त मीटर फाइनल किया अतिरिक्त मीटर को main meter के रूप में छोड़ा गया। पुराने मीटर को Push बटन खराब हो रखा है। दोनों मीटरों की MRI कर ली गयी। उपभोक्ता/ उपभोक्ता प्रतिनिधि को अतिरिक्त मीटर की Testing Report व sealing report दी गयी।"

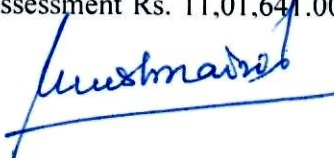
"Old cubical box damage हो रखा है। so can not used again "

"R & Y phase का pressure का तार carbonized था पुराने मीटर का।"

"पुराने मीटर में R & Y phase की voltage low है।"

MRI dated 03.10.2025 of both the meter no. 19628490 and 5136409 along with phaser are enclosed on page no. 28 to 37 and 38 to 40 respectively. It is therefore clear that all information regarding the check meter were duly mentioned on sealing certificate dated 03.10.2025.

- vi. Point no. 7- As per reply under point no. 2 and 3 above.
- vii. Point no. 8 – Meter no. 5136409 of petitioner's connection under reference was replaced by smart meter no. 5172048 on 26.07.2025 (enclosure page 41) which is also duly signed by her husband as mentioned under point no. 2 and 3 her registration number under reference was rejected on 26.04.2024 for nonpayment of Rs. 2,24,000.00 which was duly informed on mobile number as referred above. The check meter assessment Rs. 11,01,641.00 was sent to her vide letter no. 5547 dated 01.08.2025 by post (enclosure page -42), post office receipt is enclosed at page no. 43. The aforesaid letter dated 01.08.2025 was also received by her by hand from the office, receipt of which is also enclosed at page no. 42. The respondent, has again repeated the contents of point no. 5 and 6 and other contents regarding check meter installation/ finalization /its results and raising assessment as per check meter results and details of phaser.
- viii. Point no. 9- As per point no. 2, 3, 5, 6 and 8.
- ix. Point no. 10 and 11- As per point no. 5 and 6.
- x. Point no. 12 and 13- As per point no. 2 and 3.
- xi. Point no 14- As per point no. 2 and 3 from the above it is clear that application for load enhancement and its registration was rejected on 26.04.2024 for not depositing Rs. 2,24,000.00 which was duly informed to the petitioner on phone no. 7409316028 and assessment Rs. 11,01,641.00 was sent to her vide



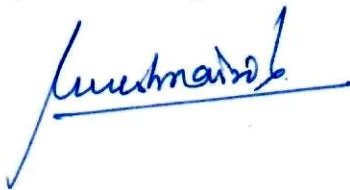
letter no. 5547 dated 01.08.2025 by post as also she received it by hand from office. It is clear from point no. 5 and 6 above that meter no. 19628490 is installed at her connection on which check meter no. 5136409 was installed vide sealing certificate dated 25.11.2024 which was finalized vide sealing certificate dated 03.01.2025 as per check meter report the main meter was found running slow by 46.25% in KVAH, the assesment amount of Rs. 11,01,641.00 has been added in the bill for the next month. Calculation details of assessment are enclosed as page no. 45 to 48. Further it is brought to kind notice that :-

- a. The petitioner has preferred complaint no. 210/2025 before CGRF Haridwar.
- b. A reply against her complaint was submitted before CGRF vide letter no. 7079 dated 27.09.2025.
- c. The Forum passed 02 orders on her complaint.
 - i. Order dated 13.01.2026 by Member Judicial *परिवादी द्वारा प्रस्तुत परिवाद स्वीकार किया जाता है। विद्युत विभाग को आदेशित किया जाता है कि परिवादी का विद्युत भार बढ़ाया जाये। परिवादी के विरुद्ध पत्रांक संख्या- 5547 दिनांकित 01.08.2025 (कागज संख्या- 67, 68) के द्वारा निर्धारित धनराशि रू0 11,01,641.00 को निरस्त किया जाता है परिवादी के आवेदन पंजीकरण संख्या - 812020224002 के दिनांक के उपरांत से परिवादी को प्रेषित बिलों के द्वारा वसूला गया दंड प्रभार धनराशि परिवादी को वापस किये जाने हेतु उसके आगामी बिलों के भुगतान में समायोजित किया जाये। विद्युत विभाग आदेश की अनुपालन आख्या तिथि से 30 दिन के भीतर मंच के समक्ष प्रस्तुत करे। पत्रावली दाखिल दफतर हों।*
 - ii. Order dated 19.01.2026 passed by Member Technical and Member Consumer *परिवादिनी द्वारा प्रस्तुत यह परिवाद ठोस आधार के अभाव में खारिज किया जाा है। पत्रावली दाखिल दफतर हो। The order dated 19.01.2026 passed by Member Technical and Member Consumer has been made effective by the department.*

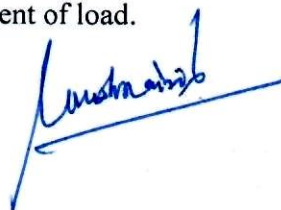


5. The petitioner has submitted a rejoinder dated 10.04.2026 through advocate along with a notarized affidavit. Pointwise contents of which are as follows:

- i. That the petitioner has read and understood the reply filed by the Respondent against the Appeal. The averments made therein contrary to the assertions made in the appeal are wrong, baseless and hence mala fide.
- ii. That the Appellant denies all allegations raised by the Respondent in the said objections, save and accept those which are expressly admitted herein.
- iii. That the Appellant submits that the Respondent failed to adhere in accordance to the provisions of law specifically the provisions of the Electricity Act and UERC Supply Code, 2020, causing grave injustice and injury to the Appellant.
- iv. That it is submitted that the bill history referred and relied by the Respondent is not admitted as the same is an internal document prepared by the Respondent themselves. Neither the Appellant was ever informed about the same nor the same was verified.
- v. That it is specifically denied that the Appellant was ever informed telephonically on mobile no. 7409316028, as falsely alleged. It is submitted that the Appellant does not carry the said mobile number neither the mobile number was mentioned in the application for enhancement of load. Without prejudice to the right of the Appellant to challenge the alleged conduct and assertions, it is submitted that the mobile number mentioned in the said application was 9837049401 and not 74094316028. The Respondent in order to derive unlawful gains are stating false claims. The record submitted by the Respondent itself contradicts the false assertions made by the Respondent in its reply.
- vi. That it is specifically denied that the Appellant was ever informed about anything as alleged telephonically. It is again clarified that mobile no. 7409316028 is not used by the Appellant or her husband.
- vii. That it is specifically denied that the Appellant was ever informed or called upon by the Respondent to deposit the amount of 2,24,000 as alleged.



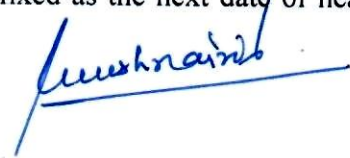
- viii. That the Appellant further was never informed about the rejection of his application for the enhancement of load.
- ix. That in the present matter, the primary question in dispute illegal quashing of the application filed by the appellant for load enhancement of the electricity connection.
- x. That it is relevant to mention here that inspite of pending complaint the respondent, through coercion have received an amount of Rs. 2,00,000/- from the appellant.
- xi. That as far as the matter of check meter is concern, the Ld. Member Judicial vide its order has validly stated that the Respondent has tampered the evidence available with them in this respect, with sole objective to derive unlawful gains. The said observations made by the Ld. Member Judicial have not been challenged by the department and the same have attained finality.
- xii. That the respondent department cannot rely upon the report of the allege check meter as they have grossly violated clause (5) of 5.1.3 Testing of meters of the Electricity Supply Code.
- xiii. That in this respect, as per the averment of the answering respondent with respect to the communication for depositing the security amount of Rs 2,24,000/- against application for enhancement of load, is without any basis and cannot be accepted, basically on the following grounds:
- a. The respondent in their reply has claimed that the information of deposition of security amount was made telephonically on mobile no.7409316028 however, no evidence in support thereof has been adduced by the Respondent. It is further submitted that in the application filed by the Respondent themselves the mobile no. as mentioned is 9837049401.
- b. That further the allege letter for intimation does not bears any date and at the bottom is claimed to be printed on 22.09.2025, i.e. almost after 5 months from the date of allege rejection of application for enhancement of load.



- c. That no proof of dispatch of the said application exist on record.
- d. That the allege document got printed on 22.09.2025 and no such document for prior period has been provided.
- xiv. That in response to the averment made that the case of enhancement of HT load will be processed in the same manner as that of the new connections, reference is made to **para 3.4.3 (20) of UERC Supply Code Regulation, 2020**, which provides for respondent to raise a demand note indicating initial security, additional/refund or work charges, less registration cum processing and head-wise detail of expenditure. That no such demand note was ever provided. The alleged letter now submitted with W.S is not a valid demand note, as no deduction was made on account of processing fees and also no head-wise expenditure detail has been provided.
- xv. That the allege theory of informing telephonically is a concocted story, created as an afterthought, making reference to a mobile number not mentioned by the appellant. It is further submitted that no provision of UERC regulation provides information through mobile calls. The said code, specifies a procedure and the officers of the Respondent are bound to follow the same. The respondent has no jurisdiction to modify, alter and amend any procedure of their own.
- xvi. That it is the settled principle that the respondent cannot be allowed to take advantage of their own wrong and cannot be rewarded for their acts and omissions. That it is because of the non-compliance of statutory procedures by the respondent the interest of the appellant has been prejudiced.
- xvii. That the procedure adopted by the respondent in terms of not sending the demand note along with the security amount in terms of procedure as specified in **Hon'ble UERC Supply Code Regulations, 2020** and subsequently cancelling the application is legally valid, more so as per the law as has been established by Hon'ble Supreme Court which states *when the Statute requires the thing to be done in a particular manner then that thing must be done in that manner or not at all.*



- xviii. That the respondent cannot be given advantage of their own defaults and omissions, of not complying the statutory procedure more so because of the settled law as returned in civil appeal 7433/ 2008 dated 19.12.2008 of Hon'ble Supreme Court, wherein at paragraph 15, it is stated that *"The matter as regards fulfilment of the conditions of licence granted by the Commission in favour of the licensee is a matter between the parties thereto. If the Corporation fails to comply with any of the conditions laid down in the licence or violates the tariff, the licence of the licensee may be revoked. A penal action may also be taken. But the same would not mean that the licensee can be permitted to take advantage of its own wrong. It can approbate and reprobate, particularly when it is the beneficiary thereof"?*
- xix. That as far as the prayer of the answering respondent, is made seeking quashing of the orders, passed by Ld. CGRF in complaint no. 86/2025 are not considerable as being barred by law, as laid down by the Hon'ble High Court of Uttarakhand in WP No. 1141 of 2014, wherein at para 9, it has been categorically held that no relief can be granted to respondent in the appeal of the consumer.
- xx. That the rejection of application for load enhancement, by the respondent, is illegal.
- xxi. That the load be enhanced from January 2025 onwards along with revision of monthly bills thereafter without any penalty charges.
- xxii. The respondent is required to waive the penalty and return the amount so received by them unlawfully.
- xxiii. That the Respondents have been acting in contrary to the statutory provisions of law and supply code.
- xxiv. That the present appeal is liable to be allowed.
6. Interim stay was granted vide order dated 11.02.2026, which was subsequently extended till disposal of the case. Hearing in the case was held on scheduled date 30.04.2026. Both parties appeared and orally argued their respective case. In addition to oral submissions the petitioner also submitted case laws from Hon'ble Supreme Court and Hon'ble High Court as well as Hon'ble Ombudsman. 13.05.2026 was fixed as the next date of hearing. Petitioner was



present on 13.05.2026, respondent submitted application for adjournment, which was allowed. 15.06.2026 was fixed as the next date. Petitioner was present, respondent submitted application for adjournment which was allowed and 23.06.2026 was fixed for hearing. Both parties were present and argued their respective case. Respondent after arguments requested that he intends to submit written arguments also, His request was acceded and permitted 7 days time for submission of written arguments, with a copy to the petitioner. Arguments concluded. Order was reserved.

7. No written arguments has been received from the respondent till now.
8. Records and documents available on file as well as relevant UERC regulations and section 171 of Electricity Act, 2003 as well as the case laws submitted by the petitioner were perused carefully and after perusal of such records and hearing arguments, it is borne out that there are 2 issues involved in the case.
 - i) Petitioner's request for enhancement of load from 46 KVA to 60 KVA i.e. enhancing the load by 14 KVA, application for which was submitted before the respondent on 18.01.2024. The respondents have submitted that petitioner's application registration no. 812020224002 for enhancement of load was registered on 02.02.2024 and petitioner was duly informed over phone no. 7409316028. Further the petitioner was asked on 28.02.2024 over phone no. 7409316028 to deposit a sum of Rs. 2,24,000.00 but after having not deposited the said amount by the petitioner the aforesaid registration no. was rejected and he was apprised over the aforesaid phone no. for rejection of his application, hence the application stands rejected.

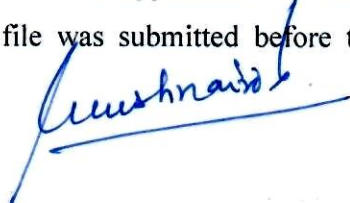
On the other hand the petitioner in the instant petition has averred that no action was taken by the respondents on her application dated 18.01.2024 for enhancement of load. She approached the SDO in the month of November 2024 to enquire about her application, but no reply other than giving excuses were given to her. On 25.11.2024 suddenly an employee of respondent is visited her establishment, he installed a check meter no. 5136409 under the guise of load increase along side her existing meter no. 19628490. On 03.01.2025 respondent's employees again visited her establishment and informed that push button on the old meter was faulty, they then installed the new meter and handed a sealing report and removed the old meter and took it away. On her visiting department office to enquire about her application for enhancement of

load the SDO informed that a meter has been installed at her establishment checked and now the process of increasing their load will be completed soon. After which on 26.07.2025 smart meter no. 5712048 was installed at her premises in place of meter which was installed on 03.01.2025. She again visited respondent's office on 20.08.2025 to know the position of her application, she was handed over assessment Rs. 11,01,641.00 and asked her to pay the same alleging that old meter installed at her premises was showing low readings resulting in an assessment of Rs. 11,01,641.00 imposed on her for the period 18.12.2023 to 03.01.2025. Being aggrieved complaint no. 210/2025 was preferred before the Forum.

Two different orders were passed by the Forum one by Majority members consisting of Member (Technical) and Member (Consumer). The majority members passed order dated 19.01.2026 vide which the complaint was dismissed. The member (Judicial) passed a dissenting order dated 13.01.2026 vide which the complaint was allowed. Details of these 2 orders have already been mentioned in this order in the preceeding paragraphs.

With the result the petitioner's application for enhamcent of load stands rejected and penalties for drawing of excess demand have also been imposed.

- ii) Assessment Rs. 11,01,641.00 raised by the respondent on the basis of so called check meter study conducted by installing check meter on 25.11.2024 and its finalization on 03.01.2025 vide sealing certificates no 035/1781 dated 25.11.2024 and 039/1781 dated 03.01.2025 respectively. In this check meter study the existing meter no. 19628490 was declared running slow by 46.25% in KVAH with reference to check meter no. 5136409 on the basis of which the aforesaid assessment was raised. The said assessment was intimated to the petitiioenr by the respondents vide letter no. 5547 dated 01.08.2025 by post whose receipt is also adduced by the respondent. Another copy of the said letter was got received to the petitioner by hand whose acknowledgement has also been adduced. It is an important point to be noticed that while the assessment was duly intimation to the petitioner by the aforesaid letter intimating of rejection of her application for enhacement of load was intimated only on phone no. 7409316028, a number other than what the petitioner has mentioned in her application as mob no. 983704940. The application for encement of load a photocopy of which is available on file was submitted before the respondents in



physical form i.e. hard copy. It is a question that why the intimation of rejection due to non depositing of necessary charges Rs. 2,24,000.00 was not sent through a letter as was sent the intimation of assessment on account of check meter results and why it was conveyed through a mobile number other than mentioned on application for load enhancement..

9. Before deciding the case it is expedient so to do for the ends of justice to discuss the relevant UERC regulations and provision under relevant sections of Electricity Act, 2003 as also to see whether the case laws submitted by the petitioner are applicable in this case. These are being discussed in the following paragraphs hereunder.

10 (i) **UERC (The Electricity Supply Code, Release of new connections and related matters) Regulation 2020**

Chapter IV under para 4.1 of the above Regulation deals the matter of enhancement and reduction of contracted load under following sub regulations.

4.1.1 General

4.1 (2) Consumer holding a permanent connections can enhance their load anytime.

4.1.1 (3) The Consumer seeking enhancement/ reduction in load at same voltage level shall apply to the distribution licensee in the form given at annexure – 7.

In the instant case, the petitioner had applied for enhancement of load from 46 KVA to 60 KVA on 18.01.2024 on the prescribed form and hence he has complied with sub regulation 4.1.1 and 4.1.1 (3) regarding enhancement of contracted load.

Sub regulation 4.1.1 (5,6, 7, 8 & 9) are attracted in the instant case to the extent these are applicable for LT connections. As in the instant case he has applied on the prescribed format and submitted the application in physical form i.e. in hard copy provisions under these sub sections as applicable in case of online application are not applicable in the instant case. Sub regulation 5.1.1 (6) regarding procedure and condition for grant of new connection as applicable for LT connections had to be followed by the licensee for sanctioning enhancement. The licensee is liable to pay penalty for delay in affecting enhancement of contracted load as provided under this sub regulation. In the instant case the licensee not even responsible of delay in the enhancement of load but has rejected the application in violation of relevant regulations and statute under Electricity Act, 2003. In the instant case, the licensee has not complied with these sub regulations. It has also come to notice from perusal of records that the petitioner had submitted a reminder dated 22.08.2025 to the

respondent with the request for allowing enhancement of load as already applied for by her vide application dated 18.01.2024, no action was taken by respondent in this reminder also.

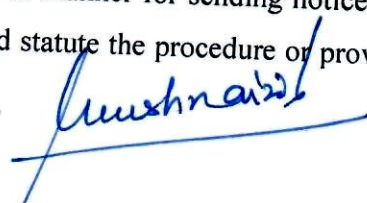
(ii) **Section 171 (Services of notices order of documents of Electricity Act, 2003)**

Every notice, order or document by or under this act required, or authorized to be addressed to any person may be served on him by delivering the same after obtaining signed acknowledged receipt therefore or by registered post or such means of delivery as may be prescribed:-

- (a) x x x
- (b) x x x
- (c) x x x
- (d) Where any other person is the addressee, at the usual or last known place of abode or business of the person.

Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

The above Section clearly provides the manner in which a demand notice has to be given to an applicant. The respondents have not complied with the provisions of this section of the Act as the demand for Rs. 2,24,000/- towards the charges for enhancement of load was not sent to him in the manner prescribed under this Section but admittedly they claim to have sent the demand on a mobile number other than what the applicant has mentioned in her load enhancement application. This has already been explained under para 8 (ii) of this order. Such being the case the demand notice for depositing Rs. 2,24,000/- towards charges for enhancement of load cannot obviously be treated as to have been sent to the petitioner and the respondents have therefore not complied with this statute. It is clarified that in case there is any contravention in the procedure or manner for sending notice to an applicant between any regulation and the aforesaid statute the procedure or provision of the statute shall



prevail and the provision under the statute shall have overriding effect over any regulation.

Sub regulation 5.2.3 (4). The sub regulation reads as follows:- The penal charges for excess load/demand shall be applicable to the consumers who have submitted their duly filled application for the appropriate load enhancement (alongwith the requisite document & amount) from the next billing cycle.

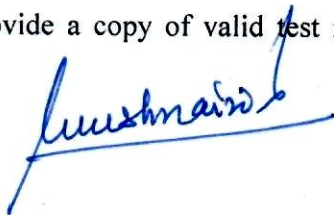
This sub regulation provides that penal charges shall not be applicable to a consumer who has submitted duly filled an application for enhancement of load. However, this is subject to the condition that requisite documents and amount has been deposited. This condition shall not be applicable in the instant case as regards depositing of amount because as explained above no demand was served upon the consumer under the manners as prescribed under sub section 171 of Electricity Act, 2003 and requisite documents have already been submitted by her along with her application. As such the penalty imposed by the respondents for alleged excess load drawn is not liable to be imposed on her and the same is not payable by her and is therefore liable to be refunded however, by way of adjustment in future bill(S).

- (iii) Check meter study and impugned assessment raised by respondents. The respondents carried out a check meter study on consumer's existing meter no. 19628490 at consumer's premises by installing a check meter no. 5136409 vide sealing certificate no. 1781/035 dated 25.11.2024 which was finalized vide sealing certificate no. 1791/039 dated 03.01.2025 in which the installed meter no. 19628490 was held running slow by 46.25% in KVAH and based on this result of check meter study, the respondents raised assessment of Rs. 11,01,641.00/- for the period 18.12.2023 to 03.01.2025 and the said assessment was sent to the consumer by the respondents vide letter no. 5547 dated 01.08.2025.

Sub regulation 5.1.3 (5) of UERC Supply code Regulation, 2020 relevant portion of which is reproduced hereunder is applicable in case of check meter study.

"Provided that where the licensee is installing a test/check meter along with the meter under test for verification of energy consumption, in such cases the licensee shall be required to provide a copy of the valid test report of such test/check meter to the consumer before initiating the testing."

As there is no documentary evidence available on file to show that the aforesaid sub regulation which requires to provide a copy of valid test report of such test/check



meter to the consumer before initiating testing, the veracity of the meter (no. 5136409) installed a check meter is not certified. Therefore, this check meter study and its results declaring the existing meter (no. 19628490) running slow by 46.25% in comparison to the said check meter is liable to be held as null and void not being consistent with the provisions of the aforesaid sub regulation and consequently assessment amounting to Rs. 11,01,641.00 is liable to be quashed and set aside.

11. The counsel for the petitioner submitted following case laws during hearing on 30.04.2026 which were taken on records.

1. Case law of Hon'ble Supreme Court Civil Appeal no. 7433 of 2008 judgement dated 19.12.2008.

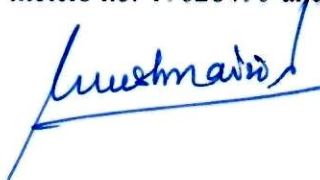
The said judgment is distinguishable on facts and do not apply to the present case.

2. Case law of Hon'ble court of Uttarakhand writ petition no. 1141 of 2014 decided vide judgment dated 19.02.2019. This judgment is also distinguishable of facts and do not apply with the present case.
3. Writ petition no. 2577 of 2025 before the Hon'ble High Court of Uttarakhand decided vide judgment dated 08.09.2025. This is regarding inordinately long time in processing the application for enhancement of load and levy of penal charges during the pendency of enhancement request. The Hon'ble High Court in its order dated 08.09.2025 upheld Ombudsman decision wherein directions were issued to refund the excess amount through adjustment in future bills. The Hon'ble court has mentioned that "in view of above this court finds no reason to interfere with the impugned order and has accordingly dismissed the writ petition."

This case law supports petitioner's case regarding imposition of penalty for draw of excess load

This case law supports petitioner's case as regards delay in enhancement of load and imposition of penalty on excess demand.

12. The majority order dated 19.01.2026 (which is considered as Forum order in the instant case) passed by two members' consisting of Member Technical and Member Consumer is liable to be set aside for not being consistent with relevant UERC regulations as also statute Section 171 of Electricity Act, 2003. In this order it has also been pointed out that MRI of both the meters no. 19628490 and 5136409 have been



done but the perusal of sealing certificates reveals that MRI of both the aforesaid meters were not given to the complainant. In the original copies of sealing certificates, it has been mentioned that MRI reports were enclosed and no foul play with any details was done or that lapse the Forum has mentioned that there is necessity of taking action against the erring staff. It has further been mentioned that the complainant is at liberty to approach the competent authority for action against the opposite party, the department.

13. The dissenting order dated 13.01.2026 passed by Member Judicial vide which complaint was allowed with the direction to department that assessment Rs. 11,01,641.00 was quashed, refund of penalty imposed after the date of registration of enhancement of load application by way of adjustment in the future bills is liable to be upheld being consistent with relevant UERC Regulation and statute Section 171 of Electricity Act, 2003, which have duly been mentioned in his dissenting order.

Order

In view of deliberations made in the preceeding paragraphs of this order, the petition/representation is allowed. Majority order dated 19.01.2026 of Member Technical and Consumer is set aside not being consistent with relevant UERC Regulations and statute Section 171 of Electricity Act, 2003 at the same time dissenting order dated 13.01.2026 of Member Judicial is upheld being consistent with relevant regulations and statute 171 of Electricity Act, 2003. The assessment amounting to Rs. 11,01,641.00 assessed due to slow running of meter by 46.25% in KVH is quashed and set aside as the check meter study has not been conducted following relevant UERC Regulations which have been duly discussed with the preceeding paragraphs. Penalty imposed due to drawl of excess load after the date of registration no. 812020224002 on 02.02.2024 of petitioner's application for enhancement of load be refunded by way of adjustment in the future bill(s) starting from the first bill to be issued after the date of this order. Petitioner's application dated 18.01.2024 for enhancement of load be restored and be processed for effecting enhancement of load from 46 KVA to 60 KVA following relevant regulations and statute 171 of Electricity Act, 2003 and load be enhanced within the stipulated period after completion of formalities.



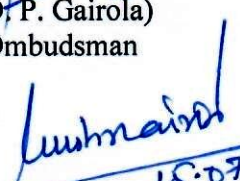
The interim stay granted on 11.02.2026 and extended subsequently stands merged in this order.

Dated: 15.07.2026

Order signed dated and pronounced today.

Dated: 15.07.2026


(D. P. Gairola)
Ombudsman


(D. P. Gairola)
Ombudsman