

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ram Kuwar Singh
S/o late Kedarnath Singh
65/B, Vernon Cottage
Tallitaal, Distt. Nainital,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division
Uttarakhand Power Corporation Ltd.
Distt. Nainital, Uttarakhand

Smt. Rama Adhikari,
W/o Shri Virendra Singh Adhikari
Nawabi Road, Haldwani,
Distt. Nainital, Uttarakhand

Representation No. 22/2026

Award

Dated: 12.08.2026

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Kumaon Zone, (hereinafter referred to as Forum) dated 24.03.2026 in complaint no. 105/2025 (Misc.) by which Ld. Forum has dismissed the complaint of the complainant, Shri Ram Kuwar Singh, S/o Late Shri Kedarnath Singh, 65-B, Vernon Cottage, Tallitaal, Distt. Nainital Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Distt. Naintial, Uttarakhand (R-2) and Smt. Rama Adhikari, W/o Shri Virendra Singh Adhikari, R/o Nawabi Road, Haldwani, Distt. Nainital (R-1) (hereinafter referred to as respondents R-1 & R-2).

2. In his instant appeal no. 22/2026 of Shri Ram Kuwar Singh S/o Shri Kedarnath Singh R/o 65-B Vernon Cottage, Tallital Nainital vs Rama Devi W/o Shri Virendra Singh



Adhikari and Executive Engineer, EDD Nainital (R-1 & R-2 respectively) has averred as follows:-

Details of appellant Ram Kuwar Singh

Name of the consumer Rama Devi, W/o Shri Virendra Singh Adhikari Connection no. 592BN22721090 for 01 KW domestic category. Forum order dated 24.03.2026, case no. 105/2025 (Misc.) Rama Devi vs Executive Engineer and others.

Details of the case

- i. By means of the present appeal the appellant is challenging forum's order dated 24.03.2026 passed in case no. 105/2025 (Misc.) Rama Devi vs Executive Engineer Nainital and other wherein complaint dated 10.03.2026 has been dismissed vide order dated 24.03.2026 (impugned order)(annexure-1).

Facts of the case as follows that :-

- ii. The case is that respondent no. 1 acting in a malafide manner had preferred and application for grant of new connection over applicant's land without giving exact details of the property but annexed a copy of the sale deed which showed that she had purchased property which is 210 meters away from the road and the total area was 0.958 hectare. Copy of application and sale deed annexed as annexure -2. On the application of respondent no. 1 respondent no. 2 provided connection to respondent no. 1
- iii. After grant of connection to respondent no. 1 the appellant preferred a complaint that two electric connections in the name of respondent no. 1 (connection no. 592BN22721090) and another in the name of Mukesh Chand Bhatt (connection no. 592BN22780526) were sanctioned over his personal property where there was neither a house nor any family was residing and no instruction was taking place and neither respondent no. 1 had any legal papers for the said connection and the connection was sanctioned on his private land. Copy of his complaint dated 19.09.2024 is annexed as annexure-3.
- iv. On his appeal (request) respondent no. 2 sent a notice dated 09.10.2024 to respondent no. 1 and to both the connection holders i.e. respondent no. 1 and Shri Mukesh Kumar Bhatt stating that on the complaint of appellant to the

G. K. Sharma

department spot inspection was carried out by the department, it was found that on the land of the applicant the connection had been wrongly established. Accordingly both the above persons to whom connections were given were asked to give their written clarification regarding the connections given to them. Copy of letter dated 09.10.2024 enclosed as annexure-4.

- v. On 13.12.2024 SDO concerned requested Tehsildar Nainital for a spot inspection where two connections were released in a tin shed and also to provide as to who was the owner of the land where the tin shed had been erected. A reminder was also issued by the SDO dated 12.06.2025.
- vi. Meanwhile respondent no. 1 submitted reply dated 06.11.2024 but no document regarding ownership of the land was provided. Even after passing sufficient time of 08 months. Respondent no. 1 failed to give any documents showing ownership on the land. Annexure-5 is a copy of reply dated 06.11.2024. In view of respondent no. 1's failure to give any documentary evidence or ownership the connection was temporarily disconnected by respondent no. 2 (executive engineer). Intimation of which was given to her by letter dated 02.07.2025. Annexure -6.
- vii. Meanwhile SDM Nainital vide his report dated 04.07.2025 has informed that the site where connection was given, was not recorded in the name of respondent no. 1. It was further stated that civil suit no. OS-92/2022 Ram Kuwar Singh vs Gunjan Pandey and others where R-1 was also a party, was pending at judicator before the court of Civil Judge Senior Division Nainital (report 04.07.2025 annexure -7).
It has been stated that the said civil suit does not pertain to the land/ property where connection was released to R-1 but regarding the land adjacent to the property of the applicant. Copy of the sale deed is adduced which is in controversy in aforesaid case. Copy of OS No. 92/2022 adduced as annexure - 8.
- viii. R-1 filed a complaint before CGRF Haldwani (case no. 105/2025) Rama Devi vs Executive Engineer. In the said complaint the respondent (EE) alleged that the aforesaid connection was released about 03 years back and bills are being regularly paid.



The said connection comes under distribution division Nainital in Bheemtal pandey village. The said connection was disconnected by department on 02.07.2025 with the notice, the said connection was given about 03 years back after completion of formalities and on all formal documents. A request for made for its reconnection, copy of the complaint before Forum is enclosed annexure-9.

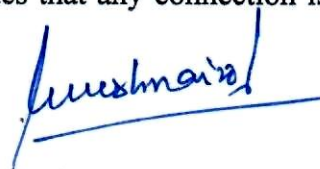
ix. The respondent no. 2 filed a reply before Forum stated that the date 09.07.2025 was fixed for the consumer Smt. Rama Devi to solve the problem regarding the connection and submit its report. Department submitted report to CGRF with the following points:-

- a. In the said case in the suit related to disconnection of aforesaid connection, the connection was released on 20.09.2022 but one Shri Ram Kuwar Singh had repeatedly raised objections against the issuance of connection, it was stated that respondent no. 2 deliberately did not implead said complaint while being stakeholder.
- b. On the said objection Shri Ram Kuwar Singh expressed his objections that connection was installed in his private land, he further stated that the land where connection was released by the department was recorded in his name in the revenue records. True copy of revenue records enclosed annexure-10.
- c. In the above case department issued a notice to respondent no. 1 vide letter no. 1046 dated 09.10.2024 to present her side and evidence but even after passes of one month she did not provide any evidence which put proof the ownership on the land.
- d. In the above case for non-availability of any proof of ownership of the land against the objections raised by Shri Ram Kuwar Singh the connection was disconnected temporarily on 02.07.2025.
- e. The SDM Naintial vide his letter no. 364 dated 04.10.2025 informed that the land where the aforesaid connection was released is not registered in the name of Smt. Rama Adhikari as per land records. Apart from that case no. 91/2022 related to land dispute was also pending before Civil Judge Senior Division Nainital. It has been clarified that the land involved in aforesaid civil suit is a land adjacent,



the land of appellant where connection was given by the department. A true copy of OS no. 91/2022 filed as annexure -11.

- f. An objection was submitted by the complainant on 14.07.2025 saying that the reply given by opponent is completely false and baseless.
- x. In view of a pending case before civil judge and in view of UERC Regulation 2020, the forum decided the complaint vide order dated 19.08.2025 directing restoration of the connection. Order is enclosed as annexure -12.
- xi. The appellant preferred appeal no. 37/2025 Raj Kuwar Singh vs Executive Engineer before the Ombudsman against forum's aforesaid order. Copy of appeal enclosed as Annexure-13.
- xii. In the said appeal pending before Ombudsman respondent no. 1 and 2 preferred their objections. True copy of which are enclosed as annexure -14.
- xiii. The said appeal was disposed of by the Ombudsman vide order dated 11.02.2026 with the order for remanding the matter back to the forum for re-examination and passing order on merit, after hearing the parties including the applicant. Copy of order is enclosed as annexure -15.
- xiv. After remand of the case to the forum the appellant preferred an application dated 10.03.2026 stating that respondent no. 2 cannot be given connection in his land. Forum directed respondent no. 2 to implead the appellant as a third party. Case no. 105/2025 (Misc.) Rama Devi vs Executive Engineer Nainital and others. A true copy of the application dated 10.03.2026 is annexed as annexure -16.
- xv. Forum on applicant's complaint dated 10.03.2026 directed the parties to be present on 12.03.2026. On 12.03.2026 appellant reiterated his version that respondent no. 2 had given connection on the land of the applicant. Respondent no. 2's representative however reiterated their earlier version. The CGRF vide impugned order dated 24.03.2026 without looking into the grievance of the appellant and without complying with the order dated 11.02.2026 passed by Ombudsman for re-examination of the case and passing orders on merits, clearly overlooked the said directions and dismissed the application. The said conclusion is not a conclusion in the eyes of law as much as the forum has referred the regulations of UERC observing that there was no regulation of UERC which provides that any connection issue to a consumer



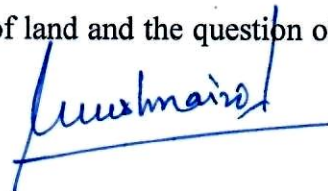
cannot be disconnected on the complaint of a third party. Forum further observed that in view of aforesaid legal impediment, it has no jurisdiction for passing any order directing disconnection of the connection under reference. The forum further directed that the applicants and the department was free to approach to any authority as per regulations of the laws enforce. Impugned order dated 24.03.2026 already annexed as annexure -1.

- xvi. Impugned order 24.03.2026 has been passed in total defiance of forum's order dated 11.02.2026 as forum failed to consider provisions under regulation 6.2(6) sub regulation 3.3.2 as also contains of SDM's report dated 04.07.2025 which states that the land on which the connection was given is installed in the name of Mrs. Rama Adhikari is nor recorded in her name in the revenue records. At present the connection is temporary disconnected.
- xvii. It is a settled canon of law that where there is a right there is a remedy. CGRF's observation that it was powerless and had no jurisdiction to entertain the applicant's complaint regarding grant of illegal connection on his land.
- xviii. Section 45 (5) of the Act 2003 has been reproduced which is regarding established of forum within the stipulated time by the distribution licensee. Consumer's definition as provided u/s 2 (15) of the Act has been reproduced.
- xix. In view of the fact that impugned order has been passed by the forum without application of mind and is totally illegally and liable to be set aside. The applicant's complaint before the forum is also liable to be allowed with cost.

Grounds

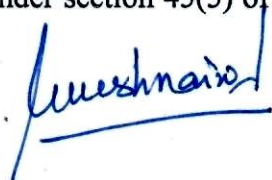
Because

- a. The forum in its order dated 18.08.2025 referring UERC Supply Code Regulation 2020 has mentioned that the connection was released strictly in accordance with aforesaid regulation further that merely on the complaint on the third party who alleged that the connection was released over the land the connection cannot be disconnected and the forum has also observed that at present the land dispute was pending before the court of civil judge senior division who had not given any direction with regard to electricity connection and further the CGRF observed that in the case at hand the connection has no relevance or relation with the ownership of land and the question of ownership was



pending before the competent court and such issued would be resolved by the competent court. The forum under above observations has directed for restoration of electricity connection vide its order dated 18.08.2025.

- b. The appellant preferred an appeal 37/2025 Raj Kuwar Singh vs Executive Engineer and another
- c. The said appeal pending before forum, respondents preferred their objections.
- d. Ombudsman disposed of the said appeal vide its order dated 11.02.2026 by reminding back the matter to the forum for reexamination and passing order on merit after hearing all the parties including applicant.
- e. After reminding the matter to the forum the appellant preferred and application dated 10.03.2026 providing his case and that respondent no. 2 cannot be given a connection over applicant's land. On his application the forum directed respondent no. 2 to implead the appellant's third party in application case no. 105/2025 (Misc.) Rama Devi vs Executive Engineer Naintial and another.
- f. On his application dated 10.03.2026 forum directed the parties to be present on 12.03.2026. On 12.03.2026 the appellant reiterated his version that respondent o. 2 had given connection to respondent no. 1 on his land. Respondent's representative reiterated their version. The CGRF in this regard to Ombudsman order dated 11.02.2026 and without looking into the grievance of the appellant passed impugned order dated 24.03.2026 dismissing his application.
- g. As forum's order dated 24.03.2026 has been passed in total defiance of Ombudsman order dated 11.2.2026 in its failure to consider the genuine grievance of the appellant and not considering relevant UERC Regulation 6.2(6) under Supply Code Regulation 2020 as well as its sub regulation 3.3.2 and not considering land records and ignoring the pending civil court case and without considering that opposite party had given the connection to the complainant by misleading respondent no. 1 mentioning the law under section 45(5) of Electricity Act, 2003.

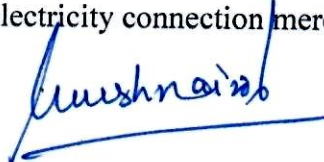


As mentioned that in view of aforesaid impugned order passed by the forum is without application of mind and is totally illegal and liable to be set aside. His complaint before forum is also liable to be allowed.

- h. He has prayed that the Hon'ble Court be graciously pleased to set aside impugned order dated 24.03.2026 passed by the forum in case no. 105/2025 (Misc.) Rama Devi vs Executive Engineer Nainital and another. He has prayed that the Hon'ble Court be graciously pleased to set aside and forthwith disconnected respondent no. 1 connection under reference which was wrongly given on applicant's land.
 - i. Issue any writ or order deemed fit in the interest of justice.
3. After perusal of records and hearing arguments from all the parties wherein in the present complaint Shri Ram Kuwar singh has demanded disconnection of the connection given to Smt. Rama Devi , the forum showing its inability to accede to his demand as there is no such provision under the regulation empowering the forum to direct disconnection of a connection on the request of third party. As accordingly dismissed the complaint of Shri Ram Kuwar Singh vide its order dated 24.03.2026 passed in his complaint no. 105/2025 (Misc.)
4. Written stamen of respondent no. 1 Smt. Rama Adhikari (Rama Devi) vide letter dated 15.07.2026.

Preliminary objections

- i. The present appeal is wholly misconceived and not maintainable as the appellant in challenging by impugned order seeks adjudication of disputed questions of the title, ownership, possession, demarcation and alleged overlapping of immovable property. All of which fall exclusively within the jurisdiction of competent civil court and are beyond the scope of jurisdiction of Hon'ble Ombudsman.
- ii. Appellant has failed to demonstrate any illegality, perversity jurisdictional error or material irregularity in the impugned order. The forum has rightly confined itself to the jurisdiction vested in it under Electricity Act, 2003 and Supply Code, 2020 and the applicable regulatory framework.
- iii. There exists no provision under the supply code, 2020, committing disconnection of a duly sanction electricity connection merely at the request of

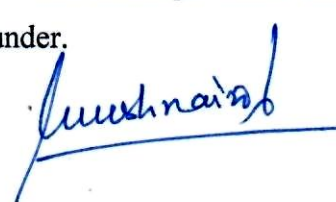


the third party asserting disputed proprietary rights over the premises particularly in the absence of any judgment, decree or finding of competent court declaring the answering respondents occupation to be unlawful.

- iv. The electricity connection was duly released by respondent no. 2 (UPCL) upon being satisfied with the ownership, documents and fulfillment of the requisite formalities by her. As on date there exists no judgment, declaration, direction or finding of any competent court or authority questioning the legality of the said connection or holding the answering respondent to be in unlawful occupation of the premises.
- v. The present appeal is in impermissible attempt to covert the consumer grievance redressal mechanism into an alternative forum for settling private property disputes and to indirectly secure disconnection of the answering respondents, electricity supply of the basis of unilateral and disputed allegations. The appeal is therefore devoid of merit and liable to be dismissed at the threshold.

Paragraph wise reply

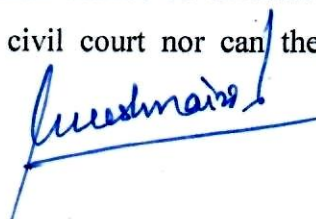
- vi. Contents of para_no. 1 and 2 do not call for any response.
- vii. Contents of para 3 are wrong, false and hence denied. It is submitted that she has duly placed on record documentary evidence substantiating her ownership and lawful rights over the land in question. Furthermore the impugned order categorically records that the appellant has failed to produce any evidence whatsoever in support of his contentions that the land in question belongs to the appellant.
- viii. The CGRF has rightly held that it has no jurisdiction to adjudicate dispute concerning title to or ownership of immovable property or to direct disconnection of the electricity connection on the basis of such disputed civil rights.
- ix. It is pertinent to state that upon a bare perusal of the present appeal it is evident that the appellant seeks in substance to have his civil and proprietary rights over the land adjudicated by the Hon'ble Ombudsman such an exercise is wholly impermissible beyond the jurisdiction of Hon'ble Ombudsman and contrary to the regulatory frame work envisage under Electricity Act, 2003 and the regulations framed there under.



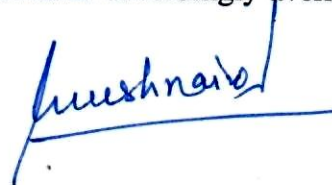
- x. Contents of para 4 are admitted to the extent that they constitute a matter of record. Nothing beyond that be deemed to have been admitted.
- xi. Contents of para n. 5 are wrong, false and hence denied.
- xii. In the absence of any cogent documents evidence establishing the appellants, title, or proprietary rights, the allegations made in the paragraph under reply are wholly unsubstantiated and liable to be rejected.
- xiii. Contents of para 6 are misleading, misconceived and hence denied. It is specifically denied that the notice dated 09.10.2024 states anywhere that the electricity connection had been wrongly established. A perusal of the said notice would reveal that pursuant to the objections raised by appellant, respondent no. 2 (UPCL) merely conducted an inspection and found an electricity connection existing in the name of this respondent.
- xiv. Accordingly by way of the said notice this respondent was merely called upon to respond to objection raised by the appellant to the effect that this respondent was allegedly not the owner of the land in question.
- xv. Contents of para 7 are admitted to the extent that they constitute a matter of record, nothing beyond that shall be deemed to have been admitted.
- xvi. Regarding contents of para no. 8 where the appellant has relied upon annexure no. 5, being a letter dated 06.11.2024 addressed by this respondent to respondent no. 2 (EE) it is admitted that the said letter was issued in response to notice dated 09.10.2024.
- xvii. By way of the said reply this respondent had duly clarified that the relevant sale deed had already been placed before forum in proceedings to which respondent no. 2 the EE was also a party. Significantly Annexure -5 neither addressed nor communicated to the appellant. Therefore a serious question arises as to how the appellant came into possession and custody of the private communication exchanged between the two respondents.
- xviii. The appellant has conspicuously failed to disclose the source of manner in which the said document was obtained. Such unexplained possession of a communication not addressed to the appellant raises serious concerns regarding the manner in which the document was procured and speaks volumes about the appellant conduct and malafide intent in pursuing the present proceeding.


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- xix. In reply to para 9 it is specifically submitted that this respondent had duly submitted documents subtending her ownership of the property in question along with her application seeking release of the electricity connection. However, the said documents were apparently ignored for overlooked by respondent no. 2 for reasons best known to him.
- xx. Subsequently this respondent sought the complete record pertaining to her application under the Right to Information Act, 2005 and a bare perusal thereof unequivocally reveals that this respondent had infact submitted the relevant sale deed along with her application thereby duly establishing her ownership over the property in question.
- xxi. As regards para no. 9 concerning temporary disconnection of the connection and grant of 15 days time is concerned the same are matters of record being aggrieved by arbitrary and unjustified action of respondent no. 2, the answering respondent was constrained to approach the forum for redressal of her grievance.
- xxii. Contents of para no. 10 are admitted to the extent that they constitute a matter of record.
- xxiii. On the contrary it is the appellant who is seeking to create confusion by improperly conflating to distinct parcels of land. Significantly the appellant himself admits that the land forming the subject matter of OS no. 92 of 2022 Ram Kumar Singh vs Gunjan Pandey and others is not the same land in respect of which the electricity connection forming the subject matter of the present proceedings was released.
- xxiv. Furthermore averments attributed to report dated 04.07.2025 are wrong, false, misleading and hence specifically denied. The contents of the said report must be read as a part in their proper contest and the appellant cannot be permit to selectively abstract or mischaracterize portions thereof to support a case otherwise unsupported by records.
- xxv. It is also imperative to highlight that a substantial portion of an appeal is devoted to narrating facts and events concerning disputes which are already pending before civil court.
- xxvi. Jurisdiction of Hon'ble Ombudsman cannot be invoked as a substitute for proceedings before a competent civil court nor can the present appeal be



- converted into a forum for adjudication of disputed questions of title, possession, boundaries or other civil rights pertaining to immovable property.
- xxvii. It is undisputed that respondent no. 2 released the connection in favour of this respondent only after being satisfied with the requisite documents submitted by her and upon completion of applicable formalities prescribed under relevant supply code and other applicable regulations.
- xxviii. It is further submitted that grant and disconnection of an electricity connection fall within the statutory and regulatory domain of respondent no. 2 subject to the provisions of electricity Act, 2003 and regulation frame thereunder.
- xxix. Even assuming solely for the sake of arguments and without admitting the allegations raised by the appellant respondent no. 2 is fully competent and sufficiently equipped to scrutinize and verify the documents, credentials and other particulars furnished by an applicant before raising the connection. Such scrutiny was duly undertaken by respondent no. 2 and upon being satisfied with documents and requisite formalities release the connection therefore no controversy of the nature sought to be artificially created by appellant arises in the present case.
- xxx. Contents of para 11 are admitted to the extent that they constitute a matter of record.
- xxxi. Regarding contents of para 12, it is necessary to state that the averments therein pertain to case no. 105/2025 which was decided by the forum being aggrieved by the said order the appellant preferred representation no. 37/2025 before the Hon'ble Ombudsman which was duly by the Ombudsman vide order dated 11.02.2026 vide which the case was remanded back to the forum.
- xxxii. In view of aforesaid order of remand earlier proceedings stood reopened for fresh examination and adjudication on merits after hearing parties. Consequently the appellant cannot now seek to resurrect grievances concerning what was allegedly done, committed or ought to have been done during the earlier round of the proceedings prior to the remand.
- xxxiii. Any such grievance stood subsumed in the subsequent proceedings conducted pursuant to the remand order and must necessarily be considered in light of the fresh adjudication under taken thereafter accordingly averments in para 12 (i)



to 12 (vi) and para 13 in so far as merely narrate the proceedings, preceding the remand order dated 11.02.2026 do not call for any separate response.

- xxxiv. Contents of para no. 14, 15, 16, 17 and 18 are admitted to the extent that they constitute matter of records.
- xxxv. In reply to para 19 (i) it is submitted that reliance placed by the appellant upon regulation 6.2 (6) of Supply Code, 2020 is wholly misconceived and no assistance whatsoever to the appellant.
- xxxvi. In so far as the said provision contemplates disconnection in the event of any default or confirmation of unlawful occupancy of the premises by the court of law for noncompliance of statutory provisions. None of the stipulated contingencies exist in the present case.
- xxxvii. Firstly there is no default attributable to her. Secondly, there is no judgment, decree, order or finding of any competent court of law declaring that this respondent is in unlawful occupation of the premises and thirdly no violation or noncompliance with any statutory provisions has either been established or even spherically identified against her.
- xxxviii. In the subsequent points the respondent no. 1 Smt. Rama Devi Adhikari has made averments to support her case of ownership on the disputed land and to support that connection was rightly given to her by respondent no. 2 after site inspection and submission of records as also completion of formalities as required under Act and regulation.
5. Written statement of respondent no. 2, the Executive Engineer submitted by letter no. 1372 dated 18.05.2026 along with affidavit.
- i. Point no. 1 and 2 no comments on these points.
- ii. Point no. 3, it is submitted that two connections no. 592BN22721090 and 592BN2278256 were released to Smt. Rama Adhikari W/o Shri Virendra Adhikar and to Shri Mukesh Bhatt, S/o R.C. Bhatt respectively in accordance with the documents submitted by them as required under sub regulation 3.3.2 sub regulation 4 of UERC Supply Code Regulation notified vide gazette dated 29.10.2020. No objections were raised in release of these connections at the time these were released (annexure-1).
- iii. Point no. 4, it is submitted that as per SDO's report aforesaid connection in favour of Smt. Rama Adhikari was released on 20.09.2022 in accordance with

sub regulation 3.3.2 (4) of UERC Supply Code Regulation 2020. The connection was released on the basis of the documentary evidences submitted by her regarding the land. Connection to Shri Mukesh Chand Bhatt was given on giving three times security.

- iv. Point no. 5, in pursuance of the objections raised by the appellant SDO Bheemtal asked both the above consumer's for submission of their report. Having not received specific report from any of the above consumers the connection was temporarily disconnected on 02.08.2025 in accordance with sub regulation 6.2 (6) of UERC Regulation notification dated 29.09.2020. (Annexure-2).
- v. Point no. 6, in reply to this point it is submitted that the averment of Shri Ram Kuwar Singh that a notice was issued to both the above consumers vide which they were asked to submit their clarification within 07 days. Nothing else is to be submitted on this point.
- vi. Point no. 7, no comments.
- vii. Point no. 8, no comments.
- viii. Point no. 9, in reply to this point it is submitted that the SDO concerned issued a disconnection notice dated 02.07.2025 to both the above consumers. It was specifically mentioned in that notice that if they failed to submit documentary evidences regarding their ownership right, in which it was mentioned that action for temporary disconnection shall be taken thereafter.
- ix. Point no. 10, under this point the petitioner's averment that a suit no. 92/2022 is under consideration in the court of Civil Judge Naintal between Shri Ram Kuwar Singh vs Smt. Rama Adhikar and others. Information thereof was given by the petitioner through letters after his no objection letter. Departmental action was taken thereafter. No other comments on this point.
- x. Point no. 11, In reply to this point it is submitted that after non submission of desired documentary evidences to show ownership right by Smt. Rama Adhikari action for disconnection of her connection was taken by the department thereafter. Whereafter Smt. Rama Adhikari preferred a complaint no. 105/2025 before CGRF Haldwani. Department submitted report to the forum in that case along with documents and arguments were submitted during hearing.



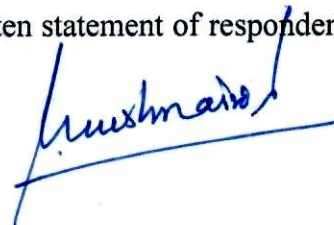
- xi. Point no. 12 to 17, No comments to offer under these points.
- xii. Point no. 18, action under this point was taken by the department as per departmental rules. Nothing else is to be submitted.
- xiii. Point no. 19, The forum in its order in this case has categorically mentioned that action for release of connection and its disconnection was taken by the department under departmental rules.
- xiv. Point no. 20, the forum passed order within its jurisdiction. No other comments.
- xv. Point no. 21 and 22, no comments to offer under these points.

Grounds

In view of above replies, all actions by the department were taken as per rules. There is no personal interest of the department in the case. As per UERC Regulations to supply electricity and provide facility of electricity is on department's priority. Orders of Hon'ble CGRF and Hon'ble Ombudsman have not been disobeyed.

6. The appellant has submitted a rejoinder dated 18.07.2026 through his advocate. In reply to respondent no. 1's Rama Devi written statement. Point wise replies are as follows:-

- i. Contents of para 1 of reply of respondent no. 1 being utterly misconceived, misleading, hence are vehemently denied. The petitioner stands the only registered owner of the property under reference where respondent no. 1 wanted connection for malafide and ulterior motives.
- ii. Contents of para 2 of respondent no. 1's reply being utterly misconceived, misleading and are denied. The forum has totally misread the provisions of Supply Code Regulation 2020 and that of Electricity Act, 2003.
- iii. In reply to para 3 of respondent no. 1's submission, it is stated that there is no provision under the Act which permits the licensee to install a connection taken fraudulently at someone others immovable property.
- iv. Contents of para 4 and 5 of her reply being utterly misconceived and are denied.
- v. Contents of para 6 of her reply need no reply from him.
- vi. Contents of para 7 to 13 of written statement of respondent no. 1 being utterly misconceived are denied.



- vii. Contents of para 14 of reply/ objections of respondent no. 1 being utterly misconceived are denied. It is submitted that notice dated 09.10.2024 is clear and the appellant has not given any distorted meaning to the same and the same clearly states that the electricity connection was wrongly established.
- viii. Contents of para 15 and 16 of her reply are matter of record hence call for no reply.
- ix. Contents of para 17 and 18 submitted that office of respondent no. 2 is a public office and hence any letter written by a misrepresenting consumer addressed to a public office concerning an electricity connection given over petitioner property is a concerned for the appellant and the appellant can always seek for the said copy and same cannot be confidential or privileged communication. Be that as it may the said letter dated 06.11.2024 was written by espondent no. 1 only after the complaint of the applicant. Respondent no. 1 instead of addressing the applicant's appeal/ representation on merit is raising all unnecessary argument and which do not go to the heart and merit of the matter in question.
- x. Contents of para no. 19, 20 and 21 of respondent's written statement being utterly misconceived, misleading and are denied. Even after providing about 08 months time respondent no. 1 has not provided any documentary evidence with regard to her ownership of the plot where connection had been released in her favour. Respondent no. 2 temporarily disconnected her connection and also intimated about the same vide registered letter dated 02.07.2025 that in view of no satisfactory reply from her respondent no. 2 had temporarily disconnected her connection and with a view to provide a further opportunity granted 15 days time to provide evidence in support of her claim.
Secondly, as per her own documents submitted belatedly also show that her alleged owned land lies to 100 meter away from the road and the total area of the land was 0.958 hectare then how she can justify grant of connection within a few meters from the road. The same itself signifies that the respondent no. 1 had taken connection over applicant's land.
- xi. Contents of para no. 22 to 29 of respondent no. 1's reply being utterly misconceived and misleading are denied. It is submitted that civil suit no. 92/2022 does not pertain to the land where the electricity connection was



released in her favor but the same disputed land adjacent to the property of the applicant. Respondent no. 1 annexed the sale deed of the said land (annexure - 2 of the appeal) which is in controversy in OS no. 92/2022. The respondent no. 2 has been misled by claiming the immovable property as the land of respondent no. 1 and now alleges overlapping of land. Respondent no. 1 has taken connection from respondent no. 2 by practising active fraud and for ulterior motives. It is clear from the report of SDM Naintial dated 04.07.2025 which categorically states that the site where the electricity connection had been taken was not recorded in the name of respondent no. 1.

- xii. In reply to para 30 to 33 of her written statement, the applicant reiterates the contents of para no. 11 and 12 of his representation. It is submitted that the applicant is only seeking withdrawal of electricity connection from his land which has been done by respondent no.1 after misleading and misrepresentation. Any fraud committed by respondent no. 1 is per-se-void ab-initio and any such act does not create any right in favour of her. Any contentions to the contrary are vehemently denied and have been dealt with suitably in the initial representation as alleged the instant affidavit.
- xiii. Contents of para 34 to 39 are denied being utterly misconceive and misleading. In reply to the above para the applicant further reiterated the contents of para 14 to 19 of his representation and any allegation to the contrary are vehemently denied.
- xiv. Contents of para 41 to 45 are vehemently denied being misconceived and misleading. Sub regulation 6.2(6) provides for disconnection of the connection and the connection had been disconnected by the department in consonance with the said regulation.
Reproduced the aforesaid regulation.
- xv. Contents of para no. 46 to 64 are misconceived, misleading hence denied.
- xvi. In view of the aforesaid the applicant's is liable to be allowed with cost.

7. Rejoinder dated 15.07.2026 filed by the appellant in reply to written statement dated 18.05.2026 of respondent no. 2 Executive Engineer.

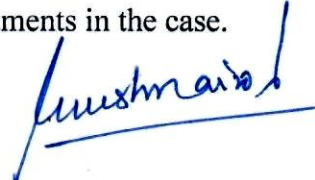
CGRF's order dated 24.03.2026 in case no. 105/2025(Misc.) of Smt. Rama Devi.

Details of the case



- i. Contents of para no. 1 and 2 need no reply.
- ii. Contents of para no. 3 and 4 of the reply filed by UPCL being utterly misconceived are denied. Other contents are merely reiteration of what he has already averred.
- iii. Contents of para no. 5 of replies of respondent no. 2 he has submitted that in view of this genuine and merited complaint the question was disconnected by UPCL.
- iv. Contents of para no. 6 being matter of record are denied.
- v. Contents of para no. 7 and 8 need no reply from him.
- vi. Contents of para no. 9 and 10 are the matters of record hence call for no reply.
- vii. Contents of para no. 11 being matter of record are denied.
- viii. Contents of para no. 12 to 18 need no reply from him.
- ix. Contents of para no. 19 to 22 being misconceived are denied.
- x. The connection was released as per regulation 3.3.2. **Regulation reproduced.**
- xi. In view of the aforesaid impugned order passed by the forum is without application of mind and is totally illegal and is liable to be set aside. Applicant's complaint before forum is also liable to be allowed with cost.

8. The interim stay was granted on 23.04.2026. Hearing on stay application was scheduled for 30.04.2026. Petitioner and respondent Smt. Rama Devi Adhikari were present while respondent UPCL submitted application for adjournment which was allowed, interim stay extended till next date of hearing. 20.05.2026 was fixed for arguments and disposal of stay application. 16.06.2026 was fixed the next date for disposal for stay application, petitioner and respondent UPCL were present, the another respondent sent adjournment application which was allowed, stay extended till next date of hearing 01.07.2026 was fixed for disposal of stay application , all parties were present but respondent Rama Devi submitted application for adjournment which was allowed. She has requested adjournment for third time, 15.07.2026 was fixed as last and final opportunity for stay hearing. All parties were present argued on stay application, stay extended till disposal of the case, petitioner submitted rejoinder on respondent no. 1's written statement, copies handed to all the parties. R-2 submitted application for adjournment which was disallowed. R-2 submitted written statement through email, petitioner was directed to submit rejoinder by 22.07.2026. Next date 22.07.2026 was fixed for arguments in the case.



9. On 22.07.2026 while R-2 was present, petitioner and R-1 was absent as they already finished their arguments on last hearing date 15.07.2026. R-2 submitted certain documents which were taken on record, arguments concluded order reserved. (It is clarified that respondent R-1 Smt. Rama Adhikari was mentioned as respondent no. 2 and UPCL (EE) the respondent no. 2 as inadvertently being mentioned as R-1 in the date sheets which may be read as per this clarification).

10. In addition to verbal arguments, the respondent Smt. Rama Devi also submitted an affidavit dated 15.07.2026, copy of FIR dated 15.10.2024 filed by Smt. Rama Adhikari and a copy of letter no. 451 dated 10.07.2025 vide which information under Right to Information Act, has been given to Smt. Rama Devi by Lok Suchna Adhikari, Vidyut Vitran UpKhand, Bheemtal, all these documents have been taken on file. Relevant contents of letter dated 10.07.2025 are reproduced below:-

बिन्दु संख्या 1—विद्युत संयोजन संख्या 592BN22721090 से संबंधित फार्म एवं संलग्न दस्तावेजों की छायाप्रति संलग्न कर प्रेषित की जा रही है।

बिन्दु संख्या 2—उक्त संयोजन में बकाया धनराशि से संबंधित लेजर की छायाप्रति संलग्न कर प्रेषित की जा रही है।

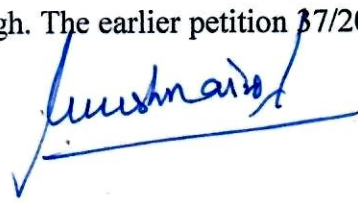
बिन्दु संख्या 3—कनेक्शन काटने संबंधी UTTARAKHAND ELECTRICITY REGULATORY COMMISSION, SUPPLY CODE 2020 में निहित प्रावधान की छायाप्रति संलग्न कर प्रेषित की जा रही है।

बिन्दु संख्या 4—संयोजन निर्गत करने से पूर्व कोई आपत्ति प्राप्त नहीं हुई, जिस कारण सामान्य प्रक्रिया के तहत संयोजन निर्गत कर दिया गया था।

बिन्दु संख्या 5—उक्त संयोजन में विवाद आने पर इनके द्वारा नोटिस की तिथि से अतिदीर्घ समय व्यतीत हो जाने पश्चात भी भू-स्वामित्व से संबंधित प्रमाण उपलब्ध ना कर पाने की दशा में विभाग द्वारा UTTARAKHAND ELECTRICITY REGULATORY COMMISSION, SUPPLY CODE 2020 में निहित प्रावधान के तहत उक्त संयोजन दिनांक 02.07.2025 को लाईनकर्म श्री दीपक जोशी द्वारा अस्थाई रूप से विच्छेदित करवाया गया एवं इन्हें प्रमाण उपलब्ध कराने हेतु पुनः 15 दिवस का अतिरिक्त समय प्रदान किया गया है।

11. After perusal of records, documents available on file and hearing arguments from all the parties as also going through file of petition no. 37/2025 of Shri Ram Kuwar Singh before the undersigned. The facts of the case are borne out as below.

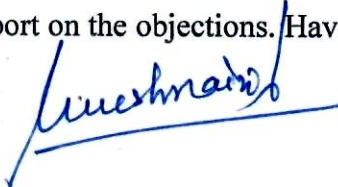
12. The instant petition is preferred as a derivative of earlier petition no. 37/2025 of the same petitioner Shri Ram Kuwar Singh. The earlier petition 37/2025 was preferred by



the petitioner being aggrieved with CGRF Haldwani's order dated 19.08.2025 in complaint no. 105/2025 of Smt. Rama Devi against UPCL through Executive Engineer, EDD Nainital in which Shri Ram Kuwar Singh viz the petitioner was not a party in that complaint but the forum made him a party in that complaint. The forum decided the complaint no. 105/2025 vide its order dated 19.08.2025 wherein the complaint was allowed with the direction that the disconnected connection of the complainant be reconnected. Being aggrieved with the said forum order Shri Ram Kuwar Singh preferred appeal no. 37/2025 which was decided by Ombudsman vide order dated 11.02.2026 vide which the case was remanded back to the forum for reexamination and passing orders on merit after hearing all parties including the petitioner Shri Ram Kuwar Singh and the petition was disposed of.

13. Consequent upon that Smt. Ram Devi Adhikari approached the forum with a fresh complaint registered at complaint no. 105/2025 (Misc.) dated 10.03.2026. The forum decided the complaint vide its order dated 24.03.2026. In this complaint Shri Ram Kuwar Singh who is the petitioner here and Executive Engineer EDD Nainital were the opposite parties. The forum after perusal of records was of the opinion that Shri Ram Kuwar Singh has demanded disconnection of the released connection of Smt. Rama Devi Adhikari. The forum was further of the opinion that under relevant UERC Regulations the forum is not empowered to order disconnection of any connection on the request of any third party. The department is at liberty to take action in such matter in accordance with regulations applicable in such cases and was therefore was of the view that the complaint is liable to be dismissed and have accordingly dismissed the complaint of Shri Ram Kuwar Singh. Being aggrieved with the said order Shri Ram Kuwar Singh preferred the instant appeal (no. 22/2026) wherein Rama Devi was respondent no. 1 and Executive Engineer EDD, Nainital was respondent no. 2. The case is being deliberated at length in this order as follows:-

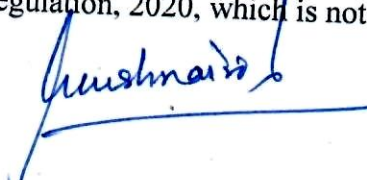
In pursuance of her application connection no. 592BN22721090, was released in favour of Smt. Rama Adhikari, W/o Shri Virendra Adhikari on 20.09.2022 in accordance with the provisions under sub regulation 3.3.2 (4) of UERC Supply Code Regulation, 2020. On the basis of the documents regarding the land where connection was desired. In reference to objections raised by the petitioner Shri Ram Kuwar Singh on the released connection to Smt. Rama Devi Adhikari a notice was sent to Smt. Rama Devi by SDO for giving her report on the objections. Having received no report



from her (Smt. Rama Devi) a disconnection notice was sent to her by SDO on 02.07.2025 wherein she was requested to submit documents showing her ownership on the disputed land within 15 days and failing which action for temporarily disconnection will be taken since was heard from her, connection was temporarily disconnected on 02.08.2025.

14. A case no. 92/2022 Shri Ram Kuwar Singh vs Rama Adhikari was filed before Civil Court Nainital which is still pending. As per verdict of SDM Nainital which is available on file, the land on which connection was given to Smt. Rama Adhikari is not registered in the name of the connection holder as per records. Further it is reported that case no. 92/2022 has been filed before Civil Judge Senior Division Nainital regarding ownership dispute of the land, which case is still pending.
15. In view of the facts of the case, forum and Ombudsman are not empowered to adjudicate the matter of dispute of ownership on the land or property as is the case here and it can be decided only by a competent civil court where it is still pending. Whereas connection to Smt. Rama Devi was given by the department after site inspection and submission of necessary documents by the applicant and completion of necessary formalities as required under relevant regulation, the connection released to the respondent no. 1 Smt. Rama Devi Adhikari by the respondent UPCL through Executive Engineer EDD Nainital, respondent no. 2 here in accordance with relevant UERC Regulation 3.3.2 (4) of UERC Supply Code Regulation 2020 and the same has duly been reconnected by the department in compliance to forum order dated 24.03.2026 in complaint no. 105/2025 (Misc.), the same connection cannot be disconnected on the request of Shri Ram Kuwar Singh the petitioner here. Even if some case regarding ownership of the land where connection was given, is pending before a Civil Court. As has rightly been decided by the forum in its order dated 24.03.2026 passed in complaint no. 105/2025 (Misc.) of Smt. Rama Devi and which has duly been reconnected by the department and is still alive i.e. is in the reconnected status.

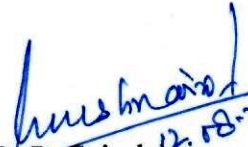
Such being the case, the petition is liable to be dismissed, forum order is liable to be upheld. Connection of Smt. Rama Devi cannot be disconnected merely on the request of the petitioner unless any default by the consumer of relevant UERC regulation under Chapter VI of Supply Code Regulation, 2020, which is not a case here.



Order

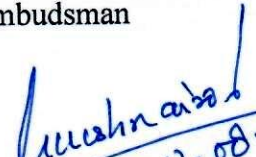
The Petition is dismissed. Forum order is upheld. Stay stands vacated

Dated: 12.08.2026


(D. P. Gairola)
Ombudsman

Order signed dated and pronounced today.

Dated: 12.08.2026


(D. P. Gairola)
Ombudsman