

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Bitu Devi
W/o Shri Aakash Kumar
R/o House No. 08
Jankipuram, Sitapur
Near Rashtriya Inter College
Distt. Haridwar, Uttarakhand

Vs

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

Representation No. 15/2026

Award

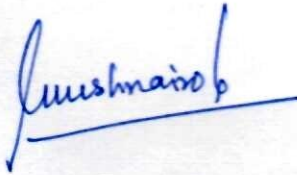
Dated: 12.08.2026

Present appeal/ representation has been preferred by the appellant against the order of Consumer Grievance Redressal Forum, Haridwar Zone, (hereinafter referred to as Forum) dated 24.02.2026 in complaint no. 13/2026 by which Ld. Forum has dismissed being tenuous the complaint of the complainant, Smt. Bitu Devi, W/o Shri Aakash Kumar, R/o House No. 08, Jankipuram, Sitapur, Near Rashtriya Inter College, Distt. Haridwar, Uttarakhand (petitioner) against UPCL through Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd., Jwalapur, Distt. Haridwar, Uttarakhand (hereinafter referred to as respondent).

2. The petitioner Smt. Bitu Devi, W/o Shri Aakash Kumar, in her present appeal dated 16.03.2026 has averred as follows:-

Grounds of appeal

- i. Forum's order dated 24.02.2026 is against law and facts of the case which is liable to be set aside.



- ii. The Forum did not look into the facts and evidences available on file and the order has been arbitrarily passed vide which complaint was dismissed.
- iii. Forum's order under reference is against facts which is not acceptable in any condition.
- iv. The appellant applied for a new connection for his house as per law but the department refused to give the connection for so called outstanding dues against the erstwhile consumer.
- v. The appellant has not concerned with the said outstanding dues against the erstwhile consumer neither she was the owner of the premises at that time neither she was a consumer.
- vi. As per laid down principles under the law the new consumer cannot be quashed to pay out the outstanding dues against the erstwhile consumer.
- vii. The forum dismissed the complaint relying upon the statements of the department and without considering the laid down principles under law and facts of the case and dismissed the complaint which is not judicious.
- viii. As per UERC relevant Regulation and Electricity Act, 2003 if a new consumer wants to take a connection at the premises he or she cannot be forced to pay the outstanding dues against the erstwhile consumer.
- ix. The Hon'ble Supreme Court has also decided that the Electricity department cannot realize the dues against the erstwhile consumer without following legal provisions therefore order of the forum is liable to be set aside being against law and justice.
- x. The forum did not rightly perused the evidences facts and applicable law and disposed off the complaint vide order dated 24.02.2026 whereby the complaint was dismissed which is liable to be set aside being void of law.
- xi. Forum passed the order without considering the applicable law which is not acceptable.
- xii. Forum's order dated 24.02.2026 is not acceptable in any condition and is liable to be set aside.
- xiii. In addition to aforesaid grounds the appeal is liable to be admitted and allowed. The Hon'ble Ombudsman is therefore prayed that:-
 - a. Forum's order dated 24.02.2026 be set aside

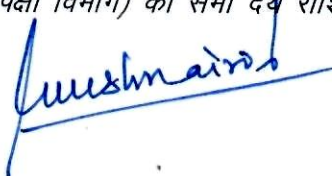


- b. The department be directed to give the connection to the appellant without imposing the condition of payment of outstanding dues against the erstwhile consumer.
- c. Any other order deemed fit in the interest of justice be also passed.
- d. The petitioner has also submitted affidavit as also copies of forum order dated 24.02.2026, copy of application dated 05.09.2024 for a new connection, department's reply dated 16.01.2026, a copy of sale deed dated 23.06.2021, copy of gazette notification dated 28.11.2020, appellant's Aadhar card and vakalatnama.

3. The forum after perusal of records and hearing arguments observed as follows:-

पत्रावली में उपलब्ध बिलिंग हिस्ट्री के अवलोकन से यह विदित होता है कि विपक्षी विभाग द्वारा, दिनांक 12.05.2022 तक, विद्युत खपत के आधार पर बिल जारी किए गए हैं। दिनांक 12.05.2022 से दिनांक 16.07.2024 तक, लगभग 26 माह हेतु, लगातार, शून्य खपत के बिल, परिवादिनी को जारी किए गए हैं जो कि व्यावहारिक दृष्टि से सही प्रतीत होता है। विपक्षी विभाग द्वारा दिनांक 16.07.2024 से दिनांक 31.12.2025 तक, लगभग 17.50 माह की अवधि हेतु एनआर आधार पर विद्युत बिल जारी किए गए हैं। इस प्रकार विपक्षी विभाग द्वारा दिनांक 12.05.2022 से दिनांक 31.12.2025 तक, लगभग 43.63 माह की अवधि में, श्री सत्येन्द्र कुमार द्वारा प्रश्नगत विद्युत संयोजन के माध्यम से विद्युत का उपभोग किए जाने की वास्तविक स्थिति का संज्ञान लेने का प्रयास नहीं किया गया है। बिलिंग हिस्ट्री के अवलोकन से यह भी विदित होता है कि श्री सत्येन्द्र कुमार द्वारा उक्त विद्युत संयोजन के माध्यम से, दिनांक 12.05.2022 के पश्चात, विद्युत का उपभोग नहीं किया जा रहा है। दिनांक 12.05.2022 तक श्री सत्येन्द्र कुमार, के विरुद्ध ₹75009.00 की धनराशि विद्युत बिल के बकाये के रूप में देय थी।

विपक्षी विभाग द्वारा प्रस्तुत बिलिंग हिस्ट्री में प्रश्नगत विद्युत संयोजन को, विद्युत बकाया के सापेक्ष, अस्थायी रूप से विच्छेदित किए जाने का उल्लेख नहीं किया गया है। विपक्षी विभाग द्वारा, उपरोक्त वर्णित परिस्थितियों का संज्ञान लेते हुए, प्रश्नगत विद्युत संयोजन संख्या-जेडब्लू31227121718 को, स्थायी रूप से विच्छेदित करते हुए, विद्युत बकाये की वास्तविक धनराशि की वसूली सुनिश्चित किए जाने की आवश्यकता है। मा0 उत्तराखण्ड विद्युत नियामक आयोग द्वारा अधिसूचित, उविनिआ (विद्युत आपूर्ति संहिता, नये संयोजनों को जारी करना तथा संबंधित मामले) विनियम, 2020 के अंतर्गत प्राविधानित, अध्याय 3.1.(7) के अनुसार, परिवादिनी द्वारा प्रश्नगत सम्पत्ति की खरीद/कब्जे से पहले यह सत्यापित किया जाना अनिवार्य था कि पूर्व स्वामी ने वितरण अनुज्ञापी (विपक्षी विभाग) को सभी देय राशियों का भुगतान कर दिया गाय



है तथा वितरण अनुज्ञापिधारी से अदेयता प्रमाणपत्र प्राप्त कर लिया गया है। अथवा परिवादिनी द्वारा, प्रश्नगत सम्पत्ति की खरीद/ कब्जे से पूर्व इस प्रमाणपत्र हेतु विपक्षी विभाग से सम्पर्क करते हुए, प्रश्नगत सम्पत्ति पर विद्युत बिल के बकाया की देय धनराशि से अवगत किए जाने हेतु निवेदन किया जाना था तदुपरांत विपक्षी विभाग द्वारा, प्रश्नगत परिसर पर, विद्युत बकाये की धनराशि से, परिवादिनी को अवगत कराए जाने का दायित्व, विपक्षी विभाग पर निहित रहता परंतु परिवादिनी द्वारा प्रश्नगत परिसर पर, विद्युत बकाये की धनराशि के संबंध में कोई भी पत्र, विपक्षी विभाग को प्रेषित नहीं किया गया है।

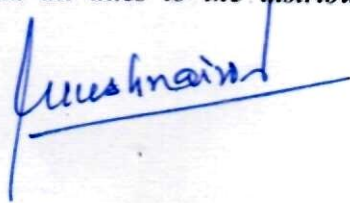
अतः उपरोक्त तथ्यों के आलोक में मंच की राय में, विपक्षी विभाग द्वारा, परिवादिनी के नये संयोजन हेतु प्रेषित आवेदन से संबंधित परिसर पर, पूर्व में निर्गत विद्युत संयोजन संख्या- जेडब्लू3122712178 के सापेक्ष विद्युत बिल के विरुद्ध बकाया धनराशि लंबित होने के परिणामस्वरूप, परिवादिनी द्वारा नये संयोजन हेतु प्रेषित प्रश्नगत आवेदन को लंबित रखा जाना सही प्रतीत होता है। अतः परिवादिनी का यह परिवाद बलहीन होने के चलते खारिज किए जाने योग्य है।”

In view of above observations the forum dismissed the complaint vide order dated 24.02.2026 being tenuous.

4. The respondent, Executive Engineer has submitted his written statement vide letter no. 2782 dated 15.04.2026 wherein he has submitted that:-

- i. As recorded by SDO 1st Jwalapur vide his letter no. 35 dated 15.01.2026 (enclosed) that in the premises under reference a sum of Rs. 1,32,429.00 are outstanding against the old connection no. JW31227121718 of the then consumer Shri Satyendra Kumar. S/o Shri Ram Avtar, R/o Ganesh Vihar and for that reason connection to the petitioner cannot be given.
- ii. It is also submitted that the petitioner did not take a no-dues certificate from the department while purchasing the property which is required under UERC Regulation which is reproduced hereunder:-

*“Release of New connection के 3.1 General के बिन्दु संख्या 07 के अनुसार
“Where the new owner/ occupier has purchased/ taken on rent or otherwise
legally occupies an existing property whose Electricity connection has been
disconnecting, it shall be the duty of the new/ prospective Owner/ occupier,
before purchase/ occupancy of the property, to verify that the previous
owner/ occupier has paid all dues to the distribution licensee and has*



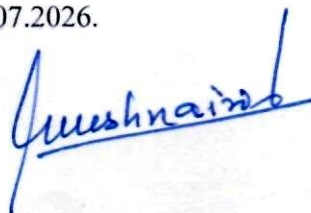
obtained a "No- dues certificate" from the distribution licensee. In case, such "No dues certificate" has not been obtained by the previous owner/occupier and also dues have not been paid and are still outstanding, the new/ prospective owner/ occupier may approach the concerned officer of the distributing Licensee for such certificate even before purchase.....(copy enclosed)"

उपरोक्त के अनुसार सम्पत्ति खरीदते हुए उक्त को विद्युत विभाग से "No dues certificate" प्राप्त किया जाना चाहिये था।

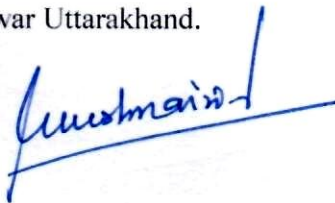
5. The petitioner has submitted a rejoinder dated 04.05.2026 along with an affidavit. Contents are that:-

- i. The appellant is the legal owner and occupier of the property at present and she has no direct or indirect relation regarding any transaction.
- ii. As per electricity Act and case law of Hon'ble Supreme Court, the new owner cannot be forced for recovery of dues pertaining to the old consumer unless any legal agreement or responsibility is established.
- iii. Even forcing the new owner for payment of dues under UERC Regulations because obtaining no dues certificate was the responsibility of the old owner and the petitioner cannot be held responsible for that.
- iv. Electricity is the fundamental service and withholding this service is against natural justice and principles.
- v. She is ready to complete all the necessary formalities but payment of the dues outstanding against the old consumer is not her responsibility. So, it is requested that :-
 - a. The dues of the old consumer should not be imposed upon her.
 - b. Connection should be released in her favour as per rules expeditiously.

6. After adjournment of earlier dates of hearing on the request of parties as well as other unavoidable reasons, 15.07.2026 was fixed for the date of hearing. Both parties were present and argued their respective case. Respondent was directed to submit status of Section 3 and RC in the name of previous owner. Both parties in addition to oral arguments also submitted some documents. Submissions of documents by the petitioner vide letter dated 15.07.2026.



- i. Copy of FIR dated 07.03.2024
 - ii. Online status of the case.
 - iii. Photo copy of the house of the petitioner.
 - iv. Copy of Hon'ble Supreme Court's order dated 07.10.2008 in the case of Paschimanchal Vidyut Vitran Vs. M/s DVS Steels and Alloys Pvt. Ltd. The petitioner has also submitted Hon'ble Supreme Court's judgment dated 03.02.1995 in the case of M/s Isha Marbles Vs Bihar State Electricity Board.
7. The FIR is against some Shri Satyendra S/o Ram Avatar in reference to this FIR, case at the hearing stage is pending before 2nd Additional Civil Judge, Junior Division. **This is not relevant in the petition before undersigned.**
8. In the case law of Hon'ble Supreme Court judgment dated 07.11.2008, it is regarding payment of outstanding dues in a case where the plot on which the dues were outstanding was subdivided. This case law is distinguishable on facts and do not apply to the present case of the petitioner. The case law of Hon'ble Supreme Court in the case of M/s Isha Marble and Bihar State Electricity Board judgment dated 03.02.1995, it is regarding recovery of outstanding dues on a property which was purchased by a party under auction purchase.
- As in the instant petition before undersigned the property where the petitioner has applied for a new connection was not purchased by her under auction purchase and therefore this case law is not applicable in her present case.**
9. The respondent's representative during hearing also submitted a copy of respondent's letter no. 4403 dated 30.06.2026 wherein it has been recorded that 02 cases of theft of electricity at the premises on 18.02.2025 as per checking report no. 03/105 dated 18.02.2025 and second time on 06.03.2025 vide checking report no. 09/450 dated 06.03.2026 were found by the accused Shri Aakash, S/o Vikram against which FIR have also been lodged in the police station. Respondent has further reported that in the Aadhar card no. 6109118370415 submitted by the petitioner Smt. Bitu Devi W/o Shri Aakash Kumar along with other documents it is mentioned Smt. Bitu Devi W/o Shri Aakash Kumar, House no. 08 Jankipuram Sitapur, Near National Inter College Sitapur Majra, Jwalapur, Haridwar Uttarakhand.



10. The same address is also mentioned in the instant petition. It is therefore clear that the accused of theft of electricity in both the case as referred above is Shri Aakash Kumar who is the husband of the petitioner.
11. The records and documents available on file have been perused. Arguments from both parties were also heard. As borne out, the case is that the petitioner Smt. Bitu Devi, W/o Shri Aakash Kumar has purchased the property a house no. 08 Jankipuram Sitapur, Near Rashtriya Inter College Sitapur Majra Jwalapur on 23.06.2021 through a sale deed from some Shri Satyendra Kumar, S/o Shri Ram Avtar Singh. She applied for a electricity connection at the said property on 05.09.2024 registration no. 523050924003 at that time there was no electricity connection existing in the said premises. The said connection was not given by the department as a sum of Rs. 1,32,429.00 is outstanding against a erstwhile connection no. JW31227121718 which was existed in the name of Shri Satyendra Kumar S/o Shri Ram Avtar from whom the petitioner purchased the premises. It is also established that no dues certificate was obtained from the petitioner from the respondent as required under sub regulation 3.1.7 of Supply Code Regulation 2020. For which reason the department has not given the connection in favour of the petitioner.

As reported by the respondent vide letter no 4868 dated 23.07.2026 connection no. JW31227121718 belonging to the erstwhile consumer Shri Satyendra Kumar S/o Ram Avtar which existed in the property where the petitioner has applied for a new connection has been permanently disconnected and account finalized vide OM no. 4679 dated 14.07.2026. A copy of which has been adduced. According to which the said connection was temporarily disconnected in the month of July 2022 and as per PDOM dated 14.07.2026 a sum of Rs. 84,092.00 is chargeable and the balance fictitious arrears amounting to Rs. 51,442.00 has been waived off as per the said OM. A sum of Rs. 843,864.50 is outstanding as payable dues as per ledger. Section 3 demand notice under Government Electrical Undertaking Dues Recovery Act, 1958 has also been issued for recovery of the said payable outstanding dues Rs. 83,864.50 which are to be paid by Shri Satyendra Kumar the then consumer of the connection which are to be paid by the aforesaid person by 23.08.2026 failing which the dues shall be recovered as arrear of land revenue under section 5 of the said act.



12. Whereas proceedings of liquidation of dues as arrear of land revenue has already been started by the respondent by issuing Section 3 notice from the erstwhile consumer Shri Satyendra Kumar, S/o Shri Ram Avtar of the connection that existed at the premises and was temporarily disconnected in the month of 07/2022 PD finalized vide OM no. 4679 dated 14.07.2026 demand notice u/s 3 of the aforesaid act was sent to the erstwhile consumer on 24.07.2026, the respondents now cannot ask the petitioner who had applied for a new connection to pay the outstanding dues against the aforesaid connection and or cannot refuse to give connection to her on such ground, however in the instant case as 02 cases of theft of electricity at 02 different occasions as per checking reports referred to above on the same premises has been registered against the accused Shri Aakash Kumar, who is the husband of the petitioner Smt. Bitu Devi who has applied for the new connection, the connection against her registered application under reference cannot be given to her in the said premises where theft of electricity has been detected and her husband Shri Aakash Kumar happens to be the accused for theft of electricity which is a cognizable offence u/s 135 of Electricity Act, 2003 for which FIR have already been lodged with the police station, for such reason the connection on the said premises cannot be given unless the criminal theft case is decided. The petition is therefore liable to be dismissed. The Forum order is upheld.

Order

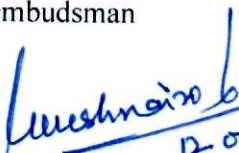
The Petition is dismissed. Forum order is upheld.

Dated: 12.08.2026

Order signed dated and pronounced today.

Dated: 12.08.2026


(D. P. Gairola)
Ombudsman
12.08.2026


(D. P. Gairola)
Ombudsman
12.08.2026