

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Chander Shekhar, S/o Shri Chottey Lal,
R/o 70/7, Sunar Ka Ahata, Chander Nagar, Dehradun, Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division (Central), UPCL, Dehradun, Uttarakhand.

Representation No. 13/2008

Order

Shri Chander Shekhar S/o Shri Chottey Lal, hereafter referred as the complainant, has filed this representation as the Consumer Grievance Redressal Forum Garhwal (Forum)'s order dated 17.06.2008 failed to remove his grievance against the licensee i.e. UPCL. The representation was admitted on 06.08.2008.

2. Brief facts of the case are that the complainant is a tenant and had applied for a new connection to the Executive Engineer, Race course Dehradun, on 20.02.2008. When the connection was not released he filed a complaint before the Forum. The Forum passed the impugned order dismissing the complaint on 17.06.2008. The complainant's contention is that the Forum has erred in concluding that the connection cannot be released without the "No Objection Certificate" from the landlord.
3. Both the parties were heard. UPCL's counsel has submitted on 13.08.2008 that Executive Engineer Urban Distribution Division (Central) has issued order no. 5157 न०वि०ख०(क)/द०दून/ dated 07.08.2008 directing the S.D.O. concerned to release the connection to the complainant without a "No Objection Certificate" as envisaged in the Regulatory Commission's Regulations on the subject. No further action by the undersigned is now required.
4. However a perusal of the impugned order shows that the Forum has erred seriously in concluding that section 43 of the Electricity Act 2003 stipulates filing of a "No Objection Certificate" by the applicant. I have carefully gone through the relevant section and have not come across any such requirement that the impugned order mentions. On the contrary Uttarakhand Electricity Regulatory Commission (Release of new LT Connections, Enhancement and Reduction of

Loads) Regulations, 2007, as amended on 07.08.2007 clearly provide that if an applicant for a new connection is not able to furnish the “No Objection Certificate” from the Landlord, he shall be charged security which is three times the normal security. In other words, the complainant should have been given the connection without insisting on the “No Objection Certificate” but charging a higher security amount. Licensee’s failure to do so attracts provisions of clause 5 (11) & (12) of these Regulations and the complainant is entitled to be paid penalty for the huge delay of more than 6 months in release of the connection under clause (12). Such being the case the impugned order is contrary to the legal provisions. Forum has thus erred in drawing its conclusion and may make a note of the impugned order’s legal inadequacies.

5. A copy of this of this order may be sent to the Secretary of Uttarakhand Electricity Regulatory Commission for information.

Dated: 27.08.2008

Divakar Dev
Ombudsman