

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Kusum Singh
W/o Late Shri R.C.S. Singh,
R/o 36-A, Balbir Road, District Dehradun, Uttarakhand

Vs

1. The Executive Engineer, Electricity Distribution Division (Central), Uttarakhand Power Corporation Ltd., Dehradun, Uttarakhand.
2. Smt. Tripta Sharma, W/o Shri Ajay Sharma, 36-A, Balbir Road, District Dehradun, Uttarakhand

Representation no. 40/2013

Order

Smt. Kusum Singh approached the Ombudsman with a petition on 23.10.2013 against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 21.10.2013 ordering the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent no. 1) to release the connection asked for by Smt. Tripta Sharma (hereinafter referred to as respondent no. 2), tenant of the petitioner.

2. The petitioner has stated that she is a consumer of the respondent no. 1 and has a electricity connection no. CBI-134022381 with a contracted load of 1 KW. Meter no. 52343 is installed on the premises. The petitioner had rented a part of the premises to Respondent no. 2. The petitioner claims that she had requested the respondent no. 2 and her husband to vacate the property in December 2012 and given them 5 months more as requested by them. However at the end of this period, the respondent no. 2 did not vacate and in fact stopped payment of rent. The petitioner has made a number of allegations against the respondent no. 2 which are not relevant to the matter under consideration.
3. As per the petitioner, respondent no. 2 has filed a suit before the Civil Judge, Dehradun for a decree to restrain the petitioner from forcefully evicting the respondent from the premises. The Court passed an interim order on 22.08.2013. The

Civil Judge in his order dated 22.08.2013 has stated that respondent no. 2 as the occupier of the premises is not to be forcefully removed from the premises till next hearing which has been shifted to December 2013. The petitioner claims that the respondent no. 2 along with her husband has shifted to another premises about 4 months back but wants to keep the petitioner's premises as she is not paying any rent for the same. The petitioner claims that she came to know that the respondent no. 2 had filed a complaint before the Forum and obtained an order dated 21.10.2013 to get a connection at her rented rooms in the petitioner's premises. The petitioner has claimed that she is aggrieved by the order of the Forum and has therefore approached the Ombudsman to set aside the order of the Forum.

4. On the same day the petitioner also filed an application for interim stay so that the order of the Forum would not be implemented by respondent no. 1. The stay was granted on 24.10.2013.
5. The respondent no. 2 (Smt. Tripta Sharma) filed a complaint before the Forum against respondent no. 1 (UPCL) with the request that respondent no. 1 should be ordered to release a domestic connection to her portion of the rented premises. The respondent no. 2 informed the Forum that she was a tenant of Smt. Kusum Singh (the petitioner in the present case) for over 4 years and was paying rent for her portion and electricity bill for the entire premises every month. She maintained that rent as well as electricity bill up to month of April 2013 had been paid by her. She claims that thereafter the landlady Smt. Kusum Singh got the electricity connection to her portion disconnected without any intimation. Despite requests the landlady refused to get the electricity reconnected to respondent no. 2's rooms. The respondent no. 2 states that she appealed to respondent no. 1 to give electricity connection to her portion of the premises but the same was not done under the influence of the landlady. During arguments respondent no. 1 informed the Forum that as the landlady had informed that a connection already existed to the premises and the same was available for the entire premises including the area occupied by the tenant, they denied the request of respondent no. 2 for a new connection. Forum under the relevant rules/regulations ordered that a connection be given to the respondent no. 2 as asked for by her.
6. The Uttarakhand Electricity Regulatory Commission (Release of new LT connections, enhancement and reduction of loads) Regulations, 2013 sub regulation 4 (a) provide

that electricity connection can be given to 'an applicant not being the owner but being the occupier of the premises' on payment of thrice the amount of security as per the regulation. Vide Civil Judge, Dehradun order of 22.08.2013 it has been indicated that Smt. Tripta Sharma (respondent no. 2) is the occupier of the premises. Hence the order of the Forum is in accordance with the aforesaid regulations and is upheld. Stay granted is vacated.

7. The respondent no. 2 has brought the judgment of Hon'ble High Court of Uttarakhand dated 18.11.2013 vide which it has been directed that the appeal filed by the petitioner should be decided on 21.11.2013, or within 10 days thereafter. In view of the order of the Hon'ble High Court, the normal procedure was dispensed with and all parties were telephonically asked to appear for arguments on 22.11.2013. The parties appeared before the Ombudsman. The petitioner asked for more time to file her response. As the relief sought by the petitioner is that no electricity connection be given to the respondent no. 2 and the rules on this subject are very clear, there did not appear to be any reason to stretch this case further. As has been brought out above under the UERC rules and regulations respondent no. 2 is entitled to get the electricity connection to her portion of the premises. The petition is dismissed.

Dated: 22.11.2013

(Renuka Muttoo)
Ombudsman