

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Pratap Singh Negi
S/o Late Shri Gabbar Singh Negi
Jhabawal, Doiwala,
Distt. Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Shail Vihar, Rishikesh,
Distt. Dehradun, Uttarakhand

Representation No. 22/2013

Order

The petitioner, Shri Pratap Singh Negi approached the office of Ombudsman on 14.08.2013 against the order dated 24.05.2013 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in their complaint against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) for a demand of Rs. 3,61,380.00 raised by the respondent vide a notice dated 24.12.2012. The petitioner also submitted an application for interim stay and to condone the delay. The petitioner claimed that he was unaware of the right to appeal, against the order of the Forum before the Ombudsman. His plea was accepted and the case was admitted condoning the delay.

2. The petitioner states that he had applied for an electric connection and after completing the formalities necessary charges were paid to one Shri Rajesh Dobriyal, Junior Engineer with the respondent. The JE installed meter no. 302942 at the premises of the petitioner and took Rs. 20,000.00 as connection charges etc. The petitioner claims that the JE informed him that the concerned SDO had been told of the connection. The petitioner further claimed that the JE used to collect monthly charges from Rs. 3,000.00 to Rs. 6,000.00 from him. Till November 2012 the JE had taken a total amount of Rs. 1,15,000.00. On being harassed by the JE the petitioner approached the SDO who got a video of the connection made. An inspection was

conducted at the petitioner's premises on 06.12.2012. Subsequent to this, the petitioner was served an assessment, dated 24.12.2012, as per section 126/135 of the Electricity Act, 2003 for use of electricity by unauthorised means at his premises. A total of Rs. 3,61,380.00 was raised against the petitioner. The petitioner claims that this assessment order was void and raised without following the provisions of the Electricity Act, 2003. The petitioner raised his grievance before the respondent and on not getting any satisfactory response from the respondent, the petitioner approached the Forum. The petitioner adds that the SDO had sent a report to the Executive Engineer that the JE had admitted having the receipt relating to the connection.

3. The petitioner approached the Forum with the facts as related above and claimed that he had not been stealing electricity and was willing to pay the bill as per the meter reading. He requested the Forum that he should be given a connection urgently to provide for his family.
4. The Forum heard both the parties and held that it was established that the meter installed at the premises of the petitioner was the property of the respondent and had been given as per the statements of JE meter to another JE Shri Ajay Semwal and through him to Shri Rajesh Dobriyal. The Forum felt that the case was one of corruption and could not be dealt by them. They were of the opinion that as action had been taken against the petitioner under section 126/135 of the Electricity Act, 2003, the matter was outside the purview of the Forum and therefore the Forum dismissed the petition.
5. Aggrieved by the order of the Forum dated 24.05.2013, the petitioner approached the office of the Ombudsman. In his petition he has alleged that while the Forum considered the report of the respondent that the meter installed at the premises of the petitioner had been given by JE (meter) to JE (Distribution) Shri Rajesh Dobriyal, they did not accept the complaint of the petitioner. The petitioner has also stated that the Forum failed to see that the assessment has been raised for a period of 12 months and that an amount of Rs. 84,446.00 deposited by the petitioner on 19.02.2011 as per the receipt was also included in the amount Rs. 3,61,380.00. The petitioner requested that (1) the order of the Forum be set aside (2) the respondent be restrained from realizing the sum of Rs. 3,61,380.00 and the demand notice of 24.12.2012 be cancelled.

6. The respondent maintains that there is no proof that the petitioner paid any money to Shri Rajesh Dobriyal. There is no paper with the respondent that the petitioner either applied for a connection or completed any formality as prescribed for obtaining a connection. The petitioner has not given the date for grant of connection or installation of the meter. The respondent alleges that all this was done to cover up the unauthorised use/theft of electricity in collusion with Shri Rajesh Dobriyal. In the checking report, dated 06.12.2012, submitted by the SDO he has reported that the petitioner did not allow the inspection team to remove the meter. The meter was finally removed on 04.02.2013. The respondent states that at the time of inspection (06.12.2012) the petitioner could show no papers. He was found running an Aata Chakki, Oil Extracting Machine and Rice Milling Machine. The connected load was 7.75 KW for which the assessment notice dated 24.12.2012 was sent to the petitioner. The respondent maintains that the petitioner was using electricity unauthorisedly and was therefore assessed under section 126 of the Electricity Act, 2003 and complaint before the Forum was not maintainable.
7. The respondent has informed that an inspection was earlier also carried out at petitioner's premises on 04.02.2011 and the petitioner had deposited Rs. 84,446.00 on 19.02.2011 without any objection. A second inspection was carried out on 06.12.2012 and an assessment of Rs. 3,61,380.00 was raised as per assessment bill dated 24.12.2012. The respondent states that the proceedings fall under 126 of the Electricity Act, 2003. The case is one of fraud and corruption and can only be tried in Court. The Ombudsman has no jurisdiction in the matter. The Forum has already sent a copy of its order to the department for taking action against the involved employee.
8. I have examined all the documents and after listening to the arguments feel that this is a case of unauthorised use of electricity and hence falls under 126 of the Electricity Act, 2003 and is therefore outside the purview of the Ombudsman. The order of the Forum is upheld. The petition is dismissed. The department has initiated action against the offending JE by suspending him. The petitioner is advised to take up the matter with the concerned authority.

Dated: 28.02.2014

(Renuka Muttoo)
Ombudsman