

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Vijay Sonkar
S/o Late Shri Madan Lal Sonkar
41, Chukkuwala, Block3,
Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Central)
Uttarakhand Power Corporation Ltd.
18, EC Road, Dharampur, Dehradun, Uttarakhand

Representation No. 11/2015

Order

The petitioner, Shri Vijay Sonkar aggrieved by the order dated 17.03.2015 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum), has filed this appeal before the Ombudsman. The case in brief is that the petitioner had a property on 10-B, New Cantt. Road in which he had an electricity connection in his own name. One Mohd. Yusuf and Shri Ramesh Singh on the basis of fabricated documents obtained another electricity connection in the same premises and caused the earlier connection to be permanently disconnected after paying the dues outstanding against it. The Forum in their order refused to intervene on the ground that since this is a property dispute the matter lies beyond their jurisdiction.

2. The petitioner, in his petition, dated 26.05.2015, which has been modified as per requirements communicated by this office, by his petition dated 16.06.2015, has said that he is aggrieved by the order of the Forum since they have not only not seen the documents he filed before them, they have dismissed his application on the basis that they cannot adjudicate property dispute whereas he did not expect any relief from the Forum on the property dispute for which case is already filed in the Court of District and Session Judge in Dehradun since 2012. The petitioner has also revealed that the

documents of the Nagar Nigam on the basis of which Shri Ramesh Singh and Mohd. Yusuf have claimed ownership of the above premises have been proved to be fabricated by the Nagar Nigam in their reply to RTI application filed by the petitioner. While the ownership case is being contested in the Sessions Court, Shri Ramesh Singh and Mohd. Yusuf in connivance with Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) have managed to obtain a new electricity connection and got his existing electricity connection permanently disconnected without his knowledge and in his name.

3. The respondent in their written statement have claimed that they had no information that the documents on the basis of which new connection had been sought were fabricated. As per Regulations they are required to give electricity connection to an applicant at the earliest. Mohd. Yusuf had applied for new connection supported by documents of his possession and tenancy. He had also appended documents namely his Voter ID card and notice issued by Nagar Nigam for change of name and a copy of the tenancy agreement between Shri Ramesh Singh and Mohd. Yusuf duly supported by an affidavit of the Land Lord Shri Ramesh Singh. This was considered sufficient proof for providing an electricity connection. The respondent have repeatedly claimed that there was no reason to disbelieve the receipt issued by the Nagar Nigam specially since the said letter is not easily legible. That this was a fabricated document came to be known only when the petitioner obtained documents under RTI from Nagar Nigam. In addition, since a copy of the Rent Agreement dated 21.08.2013 had also been filed it was considered the request of a bonafide resident occupant applicant.
4. The petitioner Shri Vijay Sonkar in his petition before the Forum had sought 3 specific reliefs:
 - i. Restore his illegally disconnected connection.
 - ii. Cancel the illegally given new connection.
 - iii. Appropriate action against delinquent officers/officials.

Forum in their order dated 17.03.2015 have elaborated on the pleas of the petitioner, where he has alleged that his bonafide electricity connection was cut off and permanently disconnected without his knowledge or his application on the basis of documents of the Nagar Nigam which had been established as fabricated through a

reply given by the Nagar Nigam to an RTI application. He has further alleged that this action was undertaken by Shri Ramesh Singh and Mohd. Yusuf in connivance with respondent and that is why application for P.D. was entertained even while the prescribed form had not been filled, the application for disconnection was undated and is obviously given by Mohd. Yusuf and the Lineman. Forum have also given details of reply filed by the respondent wherein it is established that the existing connection in the name of Shri Vijay Sonkar was got permanently disconnected through an application by Mohd. Yusuf without reference to Shri Vijay Sonkar after release of connection to Mohd. Yusuf.

5. Forum has further held that since property disputes do not fall within their jurisdiction and matter for resolution for this dispute has already been agitated before the Civil Court and the applicant does not have possession over the property, the Forum find itself unable to provide any relief to the applicant and the complaint was accordingly dismissed.
6. Before the Ombudsman on behalf of the petitioner it was argued that the respondent gave a new connection to Mohd. Yusuf on 25.06.2014 based on a Rent Agreement between Shri Ramesh Singh and Mohd. Yusuf. In the same premises namely 10 B, New Cantt. Road, Hathibarkala connection no. CD6/2166/105672 in the name of Shri Vijay Sonker was permanently disconnected on 05.07.2014 based on an undated application filed by Mohd. Yusuf c/o Vijay Sonkar. The existing connection was disconnected later and a new connection provided earlier. It was also argued that the signatures in the rent agreement and in the application for P.D. are different although claim to be of the same individual. It was stated that the documents on the basis of which electric connection has been sought are fabricated as indicated by the reply received from Nagar Nigam in response to an RTI application. The respondent were of the view that they were required to only see whether prima facie premises was under occupation by the applicant and looking at the rent agreement the respondent came to the conclusion that this was a bonafide application for new connection. The UPCL could not be aware that the same person who has applied for a new connection is also requesting for permanent disconnection of an existing connection. Hence it is wrong to expect detailed verification of identity since the UPCL is duty bound to release connection at the earliest. Respondent also claimed that while this is a property dispute and petitioner is not in possession or in occupation of the premises

and the party who is in possession and occupation has not been impleaded, the petitioner cannot make allegations of fabrication without confronting the concerned party. In his rebuttal the petitioner argued that there is no need to implead Mohd. Yusuf or Shri Ramesh Singh since Mohd. Yusuf had signed C/o Vijay Sonkar and not for Vijay Sonkar and it was the duty of UPCL to receive proof of identity of those signing papers for fresh connection and P.D.

7. The respondents were required to bring details of applicants for new connection prior to 25.06.2015; files and documents of petitioner and Mohd. Yusuf to reveal status of connections and dues; and compliance of Regulations under which new connection was given to Mohd. Yusuf. Respondent brought the priority list of applicants for new connection in the jurisdiction of SDO, Bindal and the files related to electricity connection of Shri Vijay Sonkar and Mohd Yusuf. The following points become clear from a perusal of these documents:

- i. Connection to Mohd. Yusuf was provided within 24 hours of his filing his application while a number of applicants who had deposited their connection charges before him were still waiting.
- ii. The new connection for Mohd. Yusuf was given on 26.06.2014 while there was an existing connection against which dues were outstanding (which were cleared on 30.06.2014), in the name of Shri Vijay Sonkar in the same premises which was permanently disconnected only on 05.07.2014.
- iii. P.D. application was filed by Mohd. Yusuf C/o Vijay Sonkar on plain piece of paper without any date while a form has been prescribed by Uttarakhand Electricity Regulatory Commission which carries proof of identity also.
- iv. The dues outstanding against connection of Shri Vijay Sonkar as well as the disconnection fees were deposited on 30.06.2014 and 01.07.2014 respectively by Yusuf and P.D was done on 05.07.2014 as revealed by the OM issued on 24.09.2015 (while this matter was being heard. UERC (Release of New LT connection) Regulations, 2007 Sub-Regulation 5 (7) provides

“Licensee shall also ascertain whether any dues are outstanding on the premises, and if so, the licensee shall issue a demand note within 5 days from date of application giving full details of such outstanding amount. The applicant shall be required to deposit outstanding dues within 15 days failing

which his application shall lapse and the applicant shall be informed accordingly in writing under acknowledgement.”

Sub-Regulation 5 (12) (b) provides that

“(b) date of intimation of removal of defects or liquidation of outstanding dues or the date of Application whichever is later.”

- v. Consequent to the registration for new connection on 24.06.2014, fees for new connection was deposited on 25.06.2014. The JE filed an inspection report which is blank except for his signature and signatures of Mohd. Yusuf. No mention has been made of the date of inspection, compliance status of Electricity Rules 1956 and recommendation or otherwise for granting new connection.
 - vi. The connection was released vide sealing certificate on 26.06.2014
8. It is therefore clear that the respondent have acted in violation of Regulations in providing new connection while a connection with dues outstanding existed in the same premises, as well as by breaking priority. The existing connection was permanently disconnected after release of new connection and OM for PD was issued much later on 24.09.2015 while the proceedings of case were under way. Respondent may take appropriate disciplinary action against officers/officials responsible for violating the Regulations.
 9. As such connection no. CD6/2166/233952 released in favour of Mohd. Yusuf on 26.06.2014 is liable to be terminated. It is ordered accordingly. Connection of Shri Vijay Sonkar was permanently disconnected in violation of Regulations and the process of P.D. was completed on 24.09.2015 with the issue of OM no. 150924100177163/EDSP/PD which was submitted by the respondent at the time of hearing while the connection was disconnected on 05.07.2014. It is ordered that this connection of the petitioner be restored after complying with the requirements of Tariff. The order of the Forum is set aside.

Dated: 20.10.2015

(Vibha Puri Das)
Ombudsman