

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Chandan Singh Pokhriyal  
S/o Late Shri Kishan Singh,  
Seemadwar, P.O. Vasant Vihar, Dehradun

Vs

1. Shri Suraj Pokhriyal S/o Shri Chandan Singh Pokhriyal, Shop no. 3/12, Harsh Complex, Ballapur Chowk, Dehradun.
2. Uttarakhand Power Corporation Ltd., VCV Gabar Singh Bhawan, Kanwali Road, Dehradun.
3. Shri Sunil Pokhriyal, Sub Divisional Officer – Second (South), Uttarakhand Power Corporation Ltd. Vasant Vihar, Dehradun.

Representation No. 01/2016

### **Order**

Aggrieved by the order dated 30.12.2015 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 159/2015 the petitioner, Shri Chandan Singh Pokhriyal has filed this petition before Ombudsman. The case in brief is that the petitioner had approached the Forum for disconnection of connection given to his son Shri Suraj Pokhriyal (hereinafter referred to as respondent no. 1) with whom he has embittered relationship and who has obtained the electricity connection through an unholy alliance with the department. Respondent no. 1 is neither the owner nor tenant nor has he obtained a valid no objection certificate from petitioner, owner of the premises. He is an encroacher and is not entitled to receive connection. SDO, UPCL (hereinafter referred to as respondent no. 3) have explained that they have no dealing with Respondent no. 1 but have given the connection as per provisions of Regulations and based on valid no objection certificate given by petitioner. Having regards to the facts given on record and arguments Forum held that while they are not authorized to go into the merits of the property dispute for which Civil Suit 180/2012 for eviction is already pending in the relevant Court, on the issue of electricity connection the connection has been granted as per provisions of LT

Regulations and no relief is admissible to the complainant. Forum ordered accordingly.

2. The petitioner has stated before the Ombudsman that the opposite parties respondent no. 1 and respondent no. 3 conspired to take an electricity connection in premises (shop no. 3/12, Harsh Complex, Ballupur Road, Dehradun) owned by the petitioner. The petitioner realized that a connection had been given when he saw lights in the said shop. He then obtained information through RTI and was informed that an application registered no. 476250814024 was received with a registration date of 25.08.2014 and a connection No. SD-661161569960 was released on 18.09.2014 in category RTS 2 non domestic. However respondent no. 3 refused to hear the complaint of petitioner. A complaint lodged with the Forum in this matter was summarily rejected vide order dated 30.12.2015. The impugned order is bad. The Forum also unauthorizedly held that the connection has been released under LT Regulations whereas the petitioner is of the view that respondent no. 3 should have ascertained the veracity of ownership/residence before sanction of connection. The petitioner has therefore requested that the order of the Forum may be set aside and the electricity connection released to respondent no. 1 may be disconnected.
3. In his written statement, respondent no. 1 has rejected all averments made by petitioner as forged, factually incorrect and not accepted. He has also stated that he has not entered into any conspiracy with respondent no. 3 or any other party. The order of the Forum dated 30.12.2015 in complaint no. 159/2015 is correct and as per facts and there is no need to interfere with the order. He has further requested that the Forum and department have not paid any attention to averments made by his mother and the present occupant of the said shop, and she should be given an opportunity to be heard and to place her views before the Ombudsman. Since the Civil Court had already decided the matter regarding property dispute, the Ombudsman jurisdiction does not extend to adjudicating property matters, and the release of electricity connection has to be assessed in terms of LT Regulations issued by the Commission, this request was not allowed.
4. In his rejoinder, petitioner has refuted claims made by the respondent no. 1 regarding family partition and allotment of shop in that partition to Smt. Bhuvna Devi. In case such a partition had taken place, respondent should have made application for connection in her name rather than his own. The petitioner has claimed that

respondent no. 1 and his mother are both unauthorized occupants of the premises and the so called NOC is a fake. The petitioner has further quoted relevant rules from Electricity Supply Consumers Regulation, 1984 to establish that where NOC is found to be not authentic or is found to be fake, connection released on the basis of such NOC is liable for disconnection.

5. Documents filed by both parties have been perused and arguments preferred by petitioner as well as respondent no. 1 & 3 have been heard. On the issue of grant of connection to respondent no. 1, it is seen that new LT connection may be sanctioned to the occupier of premises based on the NOC of the owner. Respondent no. 1 is the occupier of the premises in terms of sub regulation 1.2 (1) gg of UERC (The Electricity Supply Code) Regulations, 2007 which defines occupier as "*Occupier means the owner or person in occupation of the premises where energy is used or proposed to be used*". Although legality of the occupier is not binding or essentially required for release of connection in terms of the aforesaid provision of the Regulations however, legality of the occupation has been adjudicated by the Session Judge in his order dated 23.05.2015 where he has held Smt. Bhuvna Devi mother of respondent no. 1 to be the rightful owner of the said premises. The electricity connection had however already been released by respondent no. 3 on 18.09.2014 based on the NOC of the petitioner in accordance with LT Regulations, 2013 which were, at the time of release of this connection and still are, in force. The claim by the petitioner in his rejoinder that a connection released on the basis of fake NOC is liable for disconnection and that applicant who is not owner of the premises has to give proof of his being in lawful occupation, are claimed to be provisions of Electricity Supply Consumers Regulation, 1984. They are not applicable in Uttarakhand in 2014 when connection was released. Release of connection is governed by UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulation, 2013 effective from 09.02.2013.
6. In view of the documents submitted, arguments adduced and above discussion, it is revealed that the connection to respondent no. 1 has rightly been released in accordance with relevant LT Regulations and is held to be legal connection. The petition is dismissed. Forum order is upheld.

Dated: 13.05.2016

(Vibha Puri Das)  
Ombudsman