

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sachin Kumar
S/o Shri Bhopal Singh
Malakpur, Majra, Haridwar Road,
Roorkee, Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division (Urban)
Uttarakhand Power Corporation Ltd.
Civil Lines, Roorkee, Distt. Haridwar, Uttarakhand

Representation No. 24/2015

Order

The petitioner, Shri Sachin Kumar aggrieved by the order dated 21.07.2015 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) has filed an appeal for dismissal of the order of the Forum and installation of the meter and regularization of connection. The case in brief is that the petitioner requested the office of Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) on 03.11.2014 for release of domestic connection. The application was accepted through receipt on 27.11.2014. Petitioner has maintained that while he had been following up with the respondent for early release of connection, he was informed that the delay was on account of non availability of meters. In February 2015 when the lineman was installing the cable line, his connection was connected to the junction box of the cable. The petitioner therefore was able to move in to his new house in Malakpur, Majra. However on 04.03.2015 he received a recovery notice for Rs. 89,839.00 in the name of person whose name was similar to the name of his mother. On enquiry from the respondent's office he did not get a clear reply and hence on 01.04.2015 filed an application for information under RTI regarding recovery notice. Having taken umbrage at this RTI application, the respondent moved on 11.05.2015 and disconnected his connection and gave him an assessment of Rs. 71,311.00 on completely illegal basis and also framed a case of theft of electricity against him. Petitioner has also claimed that since the LT line in the village is on

insulated wire (cable) so it was not possible to tap from that line directly. The Forum did not take cognizance of this fact and therefore Forum order is liable to be set aside. Petitioner has maintained that while respondent have claimed that they cancelled his connection on 29.03.2015, he has not been informed, as to by what mode of communication this information was sent. On 16.07.2015 the respondent realizing their mistake installed a meter, and regularized his connection while also giving him a sealing certificate for the same. The petitioner has also alleged that the departmental officers asked for money and withdrawal of the case filed by him. Since he did not pay the requisite amount, on 24.07.2015 the respondent's officers removed the meter installed outside his house in his absence. No information was given to him by the respondent even when he approached the respondent's office. The petitioner has also informed that he has been, from childhood, living in the house no 323, Ambartalab, Roorkee along with his family and the relevant papers have been filed before the Forum. However the Forum have taken no cognizance of these papers and have denied him the electricity connection, hence the Forum order dated 21.07.2015 is liable to be dismissed and electricity connection in his house regularized.

2. The respondent in their written statement before the Ombudsman denied all points raised by the petitioner in his appeal and have blamed the petitioner for concealing facts that he had filed a case no. 310/2015 before the District Consumer Protection Forum on the point of assessment of Rs. 71,311.00 and theft case as also the matter regarding regularization of his connection being in violation of the provisions of the Electricity Act, 2003, has held that the Forum has passed their order dated 21.07.2015 after taking into consideration all the facts, pleas and the documents submitted before them and the Forum order is therefore legally maintainable and should be upheld and the appeal before the Ombudsman is liable to be dismissed.
3. Relevant records filed in the matter have been perused and arguments led by both parties heard. Evidence has been adduced by the respondent with respect to premises in which application for new connection has been filed, is the same as the one in which older connection existed against which recovery of Rs. 89,829.00 is still pending. Petitioner maintained that while he has lived with his family in 323, Ambartalab, Roorkee since childhood, he has constructed his house afresh and shifted there, after the connection was effected in February 2015. The issues to be decided in this case may be listed out as 1) whether the premises against which arrears of Rs.

89,829.00 are still pending is the same as where the application for new connection has been raised. 2) The other issues namely of theft of electricity and assessment thereof are extraneous to the jurisdiction of the Ombudsman and cannot be adjudicated here.

4. Respondent were directed to verify through other means that the site on which connection has been requested is the same on which connection in the name of Smt. Bhrama Devi (Smt. Brahmo Devi W/o Shri Bhopal Singh, Majra Malakpur, as appeared in the documents related to her connection given in 1991) existed and against which arrears are still outstanding. In this respect copy of site verification done by JE was called for. Respondent proposed and it was concurred, that affidavit be filed to prove that the two premises are the same. Affidavit has been filed by SDO-II, EDD, Roorkee enclosing details of various other houses in the vicinity of the premises in which the petitioner has requested for electricity connection. Bills of these consumers and approximate distance from the petitioner have been mentioned in the map prepared by the SDO. All the bills pertain to village Majra. The papers submitted pertaining to the connection taken by Smt. Brahmo Devi also give the location as Majra Malakpur. It is therefore clear that the connection for Smt. Brahmo Devi was released in 1991, that connection was in Majra Malakpur, other connections also exist at a distance between 60-300 meters. Copy of the Sale Deed which was given when Smt. Brahma Devi applied for electricity connection in 1991 is the same as has been filed by Shri Sachin Kumar with his application for his new connection now. Further, a copy of an affidavit dated 27.10.2014 has been filed. In this affidavit Shri Bhopal Singh has sworn on oath to say that he had bought a piece of land in Malakpur Majra in the name of his wife Birmo Devi (This name has been written as Birmo Devi W/o Shri Bhopal Singh in the Sale Deed) on which a house has been constructed and his son Sachin Kumar wishes to take a domestic connection in that premises on which he Bhopal Singh has no objection. No counter to this has been filed by petitioner. It is therefore clear that the two premises are the same.
5. In view of the fact that the connection no. 047913 released in 1991 and the present application of Shri Sachin Kumar have been filed on the basis of same Sale Deed, a new connection cannot be granted in same premises without the dues of the previous connection having been settled.

Regulation 5 (7) of UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulations, 2013 quoted below provides for the same *“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 receipt of Application form 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.”*

6. The appeal is dismissed. Forum order is upheld except in so far as it pertains to normative basis for raising bill since it pertains to action u/s 135 of the Electricity Act, 2003 which lies beyond the purview of the Forum and the Ombudsman.
7. A number of steps taken by the respondent UPCL in the dealing of this matter raise questions. Application for new connection was given on 03.11.2014, the application was accepted on 27.11.2014 while as per Sub-Regulation 5 (1) of UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulations, 2013 it should have been rejected on receipt on 03.11.2014 itself. The connection was cancelled on 29.03.2015 after it was established that arrears to the extent of Rs. 89,829.00 in respect of connection no. 047913 in that premises were still outstanding. On 11.05.2015 the petitioner was found to have unauthorizedly taken connection by placing cut on the cable because of which he was issued an assessment bill of Rs. 71,311.00 apart from filing a case of theft of electricity against him. However while all this had been done, on 16.07.2015 the respondent installed a meter in the premises of the petitioner and then took it away on 24.07.2015. These actions indicate a complete disregard for laid down norms and standards of performance. Respondent are directed to take necessary action against those responsible.

Dated: 12.01.2016

(Vibha Puri Das)
Ombudsman