

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Anita Tiwari
W/o Shri Chaman Lal Tiwari
337, Khurbura, Dehradun, Uttarakhand

Vs

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

Representation No. 26/2016

Order

The petitioner, Smt. Anita Tiwari has filed this petition after failing to get any relief from the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) vide their order dated 24.09.2016.

2. The case in brief is that the petitioner claims to be owner of house no. 47/1 Park Road, Laxman Chowk, Dehradun with electricity connection no. SD15211018613. Petitioner was allegedly dispossessed of her house and her daughter in law Smt. Arvina Tiwari forcibly occupied the same on 17.06.2015. Till 18.04.2016 the connection was being used by the unauthorized occupant but no payments were made and therefore she, Anita Tiwari made a request to the SDO, EDD to disconnect her connection. While opposite party took no action for recovery of dues against this connection and did not disconnect the connection they provided free electricity till a new connection no. SD-15211165126 was unauthorizedly granted in those premises. Petitioner has therefore requested that the above illegally given electricity connection no. SD-15211165126 be disconnected and the order of the Forum whereby this request has been turned down be set aside.
3. The respondent in their written statement have stated that Smt. Arvina Tiwari was given a connection as she was in possession of the premises and as per provisions of UERC ((Release of New LT Connections, Enhancement and Reduction of Loads)

Regulations, 2013. They have also countered the petitioner's argument that Smt. Arvina Tiwari has not paid the dues of the connection since the connection stood in the name of the petitioner. They have further stated that the present petition is not legally maintainable since the petitioner is not a consumer and her connection has been disconnected and hence she is not entitled to file any complaint before CGRF nor can she file the present representation.

4. Forum in their order dated 24.09.2016 have concluded that at the time of release of new connection, Smt. Arvina Tiwari was in possession of these premises and respondent required her to deposit 3 times security which is as per provisions of UERC (Release of New LT Connections) Regulations., 2013. Hence, there is no legal basis for disconnecting the above connection granted under proviso of Regulation 4 of the above Regulations and Forum therefore dismissed the complaint.
5. On perusal of the record available on file and having heard arguments preferred by both parties, it is seen that the petition before Ombudsman is for cancellation of connection no. SD-15211165126 given to Smt. Arvina Tiwari. In order to establish whether the connection no. SD-15211165126 is illegal and deserves to be cancelled, petitioner Smt. Anita Tiwari had to establish that her electricity connection for these premises existed on the day connection to Smt. Arvina Tiwari was released; and secondly that dues were outstanding against the said connection of the petitioner on the day the new connection was released.
6. Petitioner has herself stated that she got her connection disconnected on 18.04.2016 and also deposited Rs. 100.00 disconnection charges. The connection no. SD-15211018613 was permanently disconnected on 26.04.2016 and no dues were outstanding on that date on that connection. The OM for the permanent disconnection was issued on 19.11.2016. It is also no one's case that any other connection existed in these premises on the day connection no. SD-15211018613 was permanently disconnected i.e. 26.04.2016. In letter dated 28.04.2016 of Smt. Anita Tiwari to SDO concerned available on file, it has been requested that no fresh connection be released in the premises 47/1, Park Road. This suggests that on 28.04.2016 she anticipated release of connection but there was no connection given as on 28.04.2016. Affidavit signed by Smt. Arvina Tiwari for release of new connection and available on file, is

dated 29.04.2016. It is understood that as per practice prevailing in UPCL, electricity connection is released after receipt of affidavit.

7. From the information filed on record it is clear that on the request of petitioner Smt. Anita Tiwari, her connection was temporarily/permanently disconnected on 26.04.2016. She as per her own statement, paid the total outstanding dues against this connection on 18.04.2016. It is clear from the bill for the period 06.04.2016 to 26.04.2016 that no dues are outstanding against this connection. From above it is clear that the connection of Smt. Arvina Tiwari (SD-15211165126) was released after 28.04.2016, while connection of Smt. Anita Tiwari had already been disconnected permanently on 26.04.2016 after payment of all dues.
8. As regards respondent's objection that the present representation is not maintainable, as petitioner is not a consumer and she cannot file any complaint before the Forum, it is clarified that as P.D. OM was issued by the respondents on 19.11.2016, and complaint before the Forum was filed on 12.09.2016, so the petitioner very well was a consumer on 12.09.2016 and therefore she had a right to approach to Forum on that date. The respondent's objection is, therefore, not sustained.
9. As held by Forum, the connection has been released as per the provisions of UERC (Release of New LT Connections, Enhancement and Reduction of Loads) Regulations, 2013. The order of the Forum is in accordance with provisions of regulations and there is no cause to interfere with the same. Forum order is upheld. Petition is dismissed.

Dated: 03.02.2017

(Vibha Puri Das)
Ombudsman