

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Dr. Samuel K. Aaron
House No. 22, Behind Sangwill School
Dinkar Vihar, Vikasnagar
Distt. Dehradun, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.,
Vikasnagar, Distt. Dehradun, Uttarakhand

Representation No. 18/2017

Order

The petitioner Shri Samuel K. Aaron has filed this petition no. 18/2017 against the order dated 20.04.2017 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 177/2016. Petitioner's case is that while he asked for an electricity connection in September 2016 he was directed from one employee to another and not intimated the procedure required to apply. However, one month after his application, he was told to deposit an affidavit and Rs. 1,000.00. Finally, his application was accepted on 27.10.2016 with registration no. 447271016039. However, when the petitioner contacted the JE he was informed that since his house was under construction he cannot be given a permanent connection and hence this application will be kept in abeyance. He will have to submit Rs. 3,528.00 as fees for security deposit towards temporary connection. While he received a message on 17.11.2016 that his request with UPCL for temporary connection has been successfully registered with registration no. 44171116036, connection no was issued to him on 08.12.2016 and he received a message confirming the same. On 09.12.2016 he was given a connection onsite. However on 18.12.2016 without any intimation, the connection was disconnected and the meter was taken away. Petitioner is aggrieved that firstly his connection took very long to be given, despite the GO of 2006 regarding Suraj Yojana under which, according to him, electricity connection must be given within 24 hours. He also alleges that the connection was disconnected at the instance of land mafia who do not have a locus standi in the matter. He has

therefore requested that his temporary connection may be recalled and reinstated in his property in which action the Forum has been found lacking. In the grounds for appeal petitioner has argued that while respondent had completed all action to give temporary connection by 10.12.2016, it was removed on 18.12.2016 without any intimation and without any knowledge of the petitioner. On the point that respondent have acted in compliance with the orders of the Hon'ble High Court, petitioner has alleged that respondent no. 1 have in fact ignored the order of the Hon'ble High Court and have acted against the spirit of the order.

2. Forum, in their order, have given the entire sequence of events, of grant of connection and the delay in giving the same, and have finally held that in the light of the order of the Hon'ble High Court of Uttarakhand, action taken by the respondent is appropriate, no relief can be granted to the petitioner.
3. Respondent have, in their written statement, referred all the allegations regarding delay in granting connection irrelevant since the connection was finally given to the petitioner on 10.12.2016. In response to the grounds of appeal and the fact that the respondent did not intimate reasons for disconnection, respondent have argued that it was for the petitioner to have disclosed the existence of the Hon'ble High Court order and concealment of the important and relevant fact, amounts to fraud in the eyes of law. They have further alleged that as regards provision of a Government Order prescribing 24 hours as the limit for granting an electricity connection as part of Suraj Yojna, is denied because no documents have been filed in support of this statement. Even if the petitioner had no knowledge of the Hon'ble High Court order, it was imperative for the respondent to restore status quo ante at the time they learnt about the order of the Hon'ble High Court, since the Stay order is binding on the parties as well as the persons claiming any interest in the property through them. Since the said connection has been given in violation of the said order, in ignorance, hence this was the only option before the respondent.
4. Arguments have been heard on behalf of both parties. In fact after the conclusion of arguments, on the request of the petitioner, another opportunity for filing additional documents was given to the petitioner and arguments were therefore heard, a second time. The record available has also been carefully examined. Whatever may be the legitimacy or otherwise of delay in dealing with application for permanent

connection, it is clear that the application for temporary connection of the petitioner was filed on 16.11.2016 and all action for sanction of the connection was completed on 10.12.2016. The stay order granted by the Hon'ble High Court was issued on 08.11.2016 i.e. even before the application for temporary connection was filed. In the light of the Hon'ble High Court having categorically prohibited both parties *“not to create any third party interest or to change the nature of the disputed property in any manner whatsoever, and they are directed to maintain the status quo as existing now on the property in question.”* The order of the Forum where they have expressed their inability to give an order to reconnect the temporary connection in the light of the above Hon'ble High Court order is appropriate and correct.

5. Further to this order of the Forum and the record filed before the Ombudsman, petitioner made a request for a subsequent hearing based on an order from Hon'ble Supreme Court whereby Special Leave Petition (SLP) filed by Shri Subhash Chandra (who is one of the respondents in appeal no. 73/2016 before the Hon'ble High Court) has been dismissed. A perusal of the order, filed by petitioner, reveals that while the SLP has been dismissed and the concerned Court has been directed by the Hon'ble Supreme Court to dispose of the suits pending before it as expeditiously as possible, it has not interfered with the stay order or the prohibitory order given by the Hon'ble High Court.
6. Hon'ble High Court order dated 08.11.2016 therefore still remains valid even as the SLP filed by Shri Subhash Chandra has been dismissed by the Hon'ble Supreme Court. In view of this situation, the Forum order as stated above remains appropriate and in order. There is no need or justification of interfering with the same. Petition is therefore dismissed. Forum order is upheld.

Dated: 30.08.2017

(Vibha Puri Das)
Ombudsman