

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Arvind Marwah
187, Balliwala Chowk,
Kanwali Road, Dehradun,
Uttarakhand

Vs

1. Executive Engineer, Electricity Division (South), Uttarakhand Power Corporation Ltd., 18, EC Road, Dehradun, Uttarakhand.
2. Shri Pankaj, I-52, Nehru Colony, Dharampur, Dehradun, Uttarakhand.

Representation No. 20/2018

Order

Date: - 06.07.2018

The petitioner, Shri Arvind Marwah aggrieved by the order dated 24.04.2018 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) has filed this petition against the said order. His complaint is the same as that he filed before the Forum except that they have added that the Forum order is illegal and needs to be set aside. Petitioner's case is that he has a house on 187, Balliwala Chowk, Kanwali Road and his brother Shri Pankaj (Respondent no. 2) has occupied the Verandah of this house. His father has already given him (Shri Pankaj) a separate house and he is unnecessarily troubling him. Petitioner has complained that the connection has been given to Shri Pankaj in May 2017 which is illegal because he has not given any No Objection Certificate and an ownership dispute is pending in the District Court. He has therefore requested that this illegal connection be disconnected, the Forum order be set aside and he be given justice.

2. Forum have examined the case and have concluded that since Forum are not entitled to go into ownership dispute and opposite party Shri Pankaj who is the brother of the applicant has a part of the property in his possession and has taken an electricity connection on 25.05.2017 after depositing 3 times the security deposit, that electricity connection does not in any way impact the ownership right and provisions of UERC (The Electricity Supply Code) Regulations, 2007 provide for disconnection of a

connection only in case of nonpayment or on the request of the consumer. As such Forum have held that consumer, Shri Pankaj Verma is neither a defaulter nor he has requested for disconnection, therefore there is no basis for disconnecting the connection. Forum have accordingly dismissed the complaint.

3. Respondent no. 1 in their written statement have only given the sequence of events of submission of application and release of connection. They have also referred to the Forum having declared this connection a valid connection and that the connection had been released as per the provisions of the UERC (Release of New LT connection, Enhancement and Reduction of Loads) Regulations, 2013.
4. Respondent no. 2, Shri Pankaj Kumar Verma has given details of the dispute between him and his brother and has claimed that many property disputes are pending in the District Court including one regarding the will by which house no. 187 Balliwala Chowk has supposedly been given to his brother Shri Arvind Marwah. Till such time as these cases are decided, Shri Arvind Marwah cannot be called owner of the house. This is the place where he along with his wife and mother reside and the other alleged residence 52, Nehru Colony, is where he runs a shop by the name Marwah Opticals, and it is not his residence. There has been constant domestic violence between his parents and his electricity and water supply was repeatedly cut off, against which a complaint had been filed before the SSP and the case under domestic violence Act is pending between his parents. He (Shri Pankaj) had applied for an electricity connection to the District Magistrate in his Janta Darbar. Disconnecting the connection will cause great mental agony to the respondent no. 2 and besides he has been regularly paying his bills. He has therefore requested that the appeal may be dismissed.
5. Many documentary evidence regarding ownership, pendency of dispute amongst different members of the family, letters to the Police etc. have been filed. As observed by the Forum, property disputes are not in the purview of that office as even the Ombudsman. The request of the petitioner for disconnecting a connection granted to Shri Pankaj Verma is the only matter for decision before the Ombudsman. In this case the analysis and order of the Forum are entirely in keeping with the Regulations. The consumer of connection no. SD-2/5222/165731 given on 25.05.2017 to Shri Pankaj Verma, has not requested disconnection of connection given to him legitimately. He is

the consumer as is evident from the written statement filed by him as well as written statement filed by respondent no. 1 (UPCL). He has been paying his bills regularly and respondent no. 1 have no ground to disconnect his connection. As such the order of the Forum is upheld. Petition is dismissed.

Dated: 06.07.2018

(Vibha Puri Das)
Ombudsman