

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Roshni Rawat
Bhawanipur Khulbe,
Piru Madara, Ramnagar,
Distt. Nainital, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Ramnagar, Distt. Nainital, Uttarakhand

Representation No. 24/2018

Order

Date: 19.12.2018

The petitioner, Smt. Roshni Rawat aggrieved by the order dated 18.06.2018 in complaint no. 20/2018 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) has filed this representation with a request that the meter installed in the name of Shri Sohan Singh Rawat, which was transferred in the name of Smt.Chitra Mehrotra without an NOC, be transferred back in the name of Shri Sohan Singh Rawat or to her Smt. Roshni Rawat, as the buyer/successor of that house. Petitioner's claim is that while Smt Chitra Mehrotra does not have any papers to prove her ownership of the house nor has she been given an NOC for getting an electricity connection in her name nor is she the occupant of that house, how has the meter been transferred in the name of Smt Chitra Mehrotra when the house has not been sold to her by Shri Sohan Singh Rawat. Since a dispute pertaining to this property is already pending adjudication in the Civil Court, Smt Chitra Mehrotra had attempted to improve her case by getting the meter transferred in her name.

2. Forum in their order dated 18.06.2018, have held that the petitioner's claim that Smt. Chitra Mehrotra has obtained electricity connection no. RR1/M449/120764 in her name by filing fraudulent papers of transfer of property and that the connection should be restored in the name of Shri Sohan Singh Rawat has not been substantiated

by any evidence, whereas opposite party UPCL have transferred the connection under the provisions of sub regulation 2.3.2.1 (1) & (2) of UERC (The Electricity Supply Code) Regulations 2007. Forum have also observed that UPCL have filed a copy of the sale deed and since NOC from the previous occupier had not been submitted, security as per the provisions of sub regulation 2.3.2.1 (2) of UERC (The Electricity Supply Code) Regulations, 2007 has been recovered. The transfer of connection in the name of Smt. Chitra Mehrotra is consistent with provisions of regulations and hence Forum have concluded that the complaint is liable for dismissal and have dismissed the same.

3. Respondent UPCL in their written statement dated 29.10.2018 have reiterated what they have stated before the Forum that the transfer of connection has been done in accordance with provisions of UERC (The Electricity Supply Code) Regulations, 2007 as quoted above and there is no basis for the relief prayed for in the petition and hence the petition is liable to be dismissed.
4. Petitioner was allowed two occasions for hearing on 30.11.2018 and 10.12.2018 for presenting her case and evidence thereof but she remained absent both in person and/or through counsel. In her letter dated 16.11.2018 and 07.12.2018 both received in the same envelop on 17.12.2018, she has requested that the case be decided on the basis of documents filed as she is unable to appear on the fixed dates. She has stated that she is sending documents regarding their house and the NOC but no papers have been submitted. UPCL were required to do a site inspection to give the complete address of the connection and indicate whether the connection had been physically transferred from its location when it was held in the name of Shri Sohan Singh Rawat to now when it is held in the name of Smt Chitra Mehrotra. Respondent were also required to give consumer history. These informations were given by the SDO, Ramnagar on 10.12.2018. The connection is installed at Road no. 1, Sainik Vihar II, Bhawanipur Khulbe, Piru Madara, Ramnagar and the consumer history shows clearly the ownership change details effective 11.12.2017 from Sohan Singh Rawat to Smt Chitra Mehrotra.
5. On the basis of averments made by the two parties and the record available on file it is clear that the decision of the Forum to dismiss the petition as lacking in merit, is in

accordance with provisions of Supply Code Regulations, 2007. The action of the respondent UPCL is consistent with the said Regulations and there is no cause to interfere with either the order of the Forum or the action of the UPCL. Petition is dismissed. Forum order is upheld.

6. Further, it may also be mentioned that petitioner is not a bonafide consumer of connection no. RR1/M449/120764. Her petition does not lie before the Forum/Ombudsman in terms of UERC (Appointment of Functioning of Ombudsman) Regulations, 2004 and UERC(Guidelines for Appointment of Members and Procedure to be followed by the Forum) Regulations, 2007 as she does not qualify to be a complainants under the provisions of the said Regulations. The same was entertained, since the complaint has been considered and heard by the Forum and a representation against the order of the Forum lies before the Ombudsman.

Dated: 19.12.2018

(Vibha Puri Das)
Ombudsman