

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Satya Prakash
S/o Late Shri Tulsiram
190, Shridev Suman Nagar,
Chorkhala, Thana Cantt.
Chowki Bindal, Dehradun, Uttarakhand

Vs

1. Executive Engineer, Electricity Division (South), Uttarakhand Power Corporation Ltd., 18, EC Road, Dehradun, Uttarakhand.
2. Shri Omprakash S/o Late Shri Tulsiram, 190, Shridev Suman Nagar, Chorkhala, Thana Cantt. Chowki Bindal, Dehradun, Uttarakhand.

Representation No. 15/2018

Order

Date: - 20.06.2018

The petitioner, Shri Satya Prakash aggrieved with the order dated 25.10.2017 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) has filed this petition no. 15/2018.

2. Petitioner has claimed that the Forum in their order have come to a conclusion which is contrary to facts and evidence placed before them and therefore the order of the Forum needs to be set aside. The case in brief is that petitioner had requested for an electricity connection and deposited Rs. 1,800.00 on 07.06.2017. The department completed all formalities by 30.06.2017 and released the connection. However, petitioner claims that since respondent no. 2 Shri Om Prakash S/o Late Shri Tulsiram and brother of petitioner did not like the flow of electricity to his residence he fraudulently uprooted the wire. Consequently petitioner and his wife continue to live without electricity. Petitioner claims that he was given 2 bills by the department, which were paid by him. While petitioner gave the information regarding uprooting of the wire to the department as well as to the Police, no action was taken against respondent no. 2. Further, after the order of the Forum, respondent no. 1, Executive Engineer, Electricity Distribution Division (South), Uttarakhand Power Corporation Ltd. removed the meter from his premises. Petitioner has also admitted that a partition

suit is pending between the petitioner and respondent no. 2 in which the Court has given a stay against eviction of petitioner. He claims that there is no barrier to release of electricity connection to him and no prohibitory order has been passed by the Hon'ble Court. According to petitioner, Forum have erred in relying on the Court order, which is a stay against eviction, to deny him electricity connection. Petitioner has therefore requested that order of the Forum dated 25.10.2017 be quashed and his electricity connection restored as before.

3. Forum in their order dated 25.10.2017 have observed that on the basis of application dated 23.05.2017 for release of connection and deposit of requisite money on 07.06.2017, line staff who were detailed to install meter at his premises on 15.06.2017 and again on 30.06.2017 installed the meter but output could not be connected because of objection from his brother and family. Forum have also mentioned that opposite party have intimated them that the petitioner filed a false affidavit for release of connection since they were informed by Shri Om Prakash Chawla through his applications dated 03.07.2017, 05.07.2017 and 10.07.2017 that there is a legal case pending in the Court between him and his brother Shri Satya Prakash (petitioner). Further an electricity connection was already available in the premises whereas petitioner had expressly mentioned in his affidavit that there is no connection. Forum have also quoted from the order of the First Additional Civil Judge, Dehradun dated 22.04.2013 where an interim stay has been granted with an injunction to not change the status-quo at all. Forum therefore on the ground that the property in which the connection is applied for is disputed and a stay order obtains, dismissed the complaint.
4. Respondent no. 2, Shri Om Prakash objected vigorously to condonation of delay granted to the petitioner since he had approached the Ombudsman long after the 30 days period was over. Respondent no. 2 has also given details of the petitioner having moved Additional Civil Judge for the restoration of electricity connection. The same was dismissed by the Ld. Second Additional Civil judge by order dated 05.01.2018. He also averred that since the stay order is still applicable, the appeal filed by the petitioner is not maintainable.

5. Respondent no. 1 in their written statement have informed that petitioner has applied for electricity connection on 23.05.2017 while Rs. 1,800.00 was deposited on 07.06.2017 and line staff were deployed to install the meter on 15.06.2017 but because of objection by his brother and family the meter could not be installed. On receiving his telephonic complaint, the staff was again detailed to his residence on 30.06.2017 when the meter was installed but the output from the meter could not be taken because of objection by his brother and family. While meter was installed outside his residence because of this objection the meter could not be connected to his premises. Petitioner was given 0 (zero) unit bills for the month of July and September which were deposited by the petitioner. On the orders of the Forum, the said meter was removed and electricity connection cancelled. Referring to the Court injunction respondent no. 2 have further iterated that a stay order obtains from the Civil Court and it is wrong to say as the petitioner has claimed that there is no obstacle to the release of the connection through any order of the Court.
6. Both parties have been heard and the record available has been carefully examined. The fact that another connection exists in these premises is not disputed, nor is the fact that a legal case is pending before the Additional District Judge in which a stay order has been granted as quoted in the order of the Forum. In view of the stay it is not appropriate to change the status quo in any manner. The order of the Forum in these circumstances is appropriate and justified. Forum order is upheld. Petition is dismissed.

Dated: 20.06.2018

(Vibha Puri Das)
Ombudsman