

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Dinesh Chandra Khanna
S/o Shri Vishwanath Khanna
Srikot, Ganganali, Srinagar
Distt. Pauri Garhwal, Uttarakhand.

Vs

1. The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Srinagar, Distt. Pauri Garhwal,
Uttarakhand.
2. Smt. Shakuntla Chauhan
W/o Shri J. S. Chauhan,
Village Rewari, Ghasiyamahadev,
Near Jhulapul, Srikot, Ganganali,
Distt. Pauri Garhwal, Uttarakhand.

Representation No. 38/2018

Order

Date: - 06.03.2019

The petitioner, Shri Dinesh Chandra Khanna has approached the Ombudsman aggrieved by the order dated 11.12.2018 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 114/2018. An interim stay till the disposal of the stay application was granted on 17.12.2018 restraining the respondent no. 1 (UPCL) from enforcing in any manner the order of the Forum dated 11.12.2018 till disposal of stay application. 24.12.2018 was fixed for the disposal of the stay application. Case law in support of her arguments were also submitted by respondent no. 2. On hearing all parties, the stay order was vacated on 24.12.2018.

2. Complainant Smt. Shakuntla Chauhan owner of Shakuntla Medical Store in Srikot Ganganali Srinagar had approached the Forum for release of electricity connection for her shop on payment of 3 times the security as per provisions of Regulations. This request was considered by the Forum and allowed. While allowing the complaint

Forum directed release of electricity connection on payment of 3 times the security. The petitioner Shri Dinesh Chandra Khanna is aggrieved by the above order of the Forum as he, being the owner of the property, submitted that he will suffer immeasurable damage if in the pendency of the dispute regarding title of the property already pending in the Civil Court, electricity connection is allowed to Smt Shakuntla Chauhan respondent no. 2. He therefore requested that the order of the Forum be set aside and he be given whatever other reliefs he may be entitled to.

3. Forum, in their order dated 11.12.2018, have observed that petitioner Smt. Shakuntla Chauhan has approached them with the request that while she had been granted an electricity connection for running her shop from the meter of Shri Dinesh Chandra Khanna's residence, however since a dispute regarding ownership of the house/shop arose between them, he, Shri Khanna, had cut off the supply cable and refused electricity supply which has caused serious disruption to petitioner. After hearing both parties and also taking account of order of the Information Commission in second appeal, whereby compliance of regulations has been urgently reiterated, Forum after hearing both parties directed that since petitioner has been tenant for long and even during pendency of dispute between the parties she is depositing the rent in the Court of the District Judge, she is entitled to an electricity connection in terms of provisions of UERC (Release of new LT connection, Enhancement and Reduction of Loads) Regulations, 2013 4 (a) (v) by depositing the 3 times the security amount.
4. Respondent no. 1, UPCL, in their written statement dated 21.12.2018, have stated that Smt. Shakuntla Chauhan requested for an electricity connection vide her application dated 04.09.2018. While Forum have in their order dated 11.12.2018 ordered release of connection by paying 3 times the security, they have refrained from releasing the connection due to the dispute pending between Smt. Shakuntla Chauhan and the owner of the premises Shri Dinesh Chandra Khanna. They also enclosed copies of letter the SDO wrote to Smt. Shakuntla Chauhan asking her to submit a NOC from the owner of the premises. They also enclosed copy of the WS filed before the Forum.
5. Respondent no. 2 Smt. Shakuntla Chauhan in her written statement has submitted that in her complaint no. 114/2018 the Forum on the basis of merits have decided the case vide their order dated 11.12.2018. Consequent to the order of the Forum security @ 3

times was deposited on 14.12.2017. It's a fact that she is an authorized tenant and eviction case is pending in the Court of District Judge, Pauri Garhwal. The petitioner is harassing her preventing release of connection despite the case having been decided in her favour by the Forum. The rent is regularly being paid. The representation has therefore no force as she has the legal right to have an electricity connection in the premises occupied by her. She has also mentioned that while the State and Central Governments are committed to give electricity connection to each and every house under Sobhagya (IkSHkkX;) Yojna she is being illegally deprived of the facility of having the connection. She is a tenant in the premises since 1996 and is running a medical store therein, so she requires the electricity connection. The petitioner was not a party in the complaint filed before the Forum so he had no legal right to approach the Ombudsman. Also he did not try to be a party in the Forum. The petitioner has no right to deprive the respondent of an electricity connection, so the appeal is liable to be dismissed and so is the interim stay order dated 17.12.2018.

6. No rejoinder has been filed by the petitioner. Since no parties appeared for arguments on the prefixed date 13.02.2019, the date for pronouncement of order was fixed as 19.02.2019, which having been declared a gazetted holiday by State Government, 06.03.2019 was then fixed for order. Meanwhile respondent no. 1, UPCL submitted copy of order dated 08.01.2019 of the Hon'ble High Court of Uttarakhand in writ petition no. 27 of 2019 wherein Hon'ble High Court have recorded the statement of Ld. Counsel for respondent no. 1 (UPCL) that electricity connection has been restored in the petitioner's accommodation and thereby have closed the writ petition. Respondent no. 1 have further stated that in accordance with orders of the Hon'ble High Court electricity connection has been released and matter disposed off. Connection has, from the record available on file, been released on the day prior to the order of the Hon'ble High Court as is also evident from the order of the Hon'ble High Court. The sealing certificate sent by respondent no. 1 via email on 01.03.2019 indicates that the connection was released on 07.01.2019, while the order of the Hon'ble High Court was issued on 08.01.2019.
7. As such, since the Forum order is already complied with as of 07.01.2019 and the order is in accordance with the relevant Regulations and the matter has already been brought in the knowledge of the Hon'ble High Court who have also taken cognizance

of the connection having been released, no further action is either called for or necessary. Accordingly petition of Shri Dinesh Chandra Khanna is dismissed. Forum order as already complied is upheld.

Dated: 06.03.2019

(Vibha Puri Das)
Ombudsman