



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector - 4, Panchkula-134109
Telephone No. 0172-2572299; Website: - herc.nic.in
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(Regd. Post)

Appeal No. : 5/2024
Registered on : 19.02.2024
Date of Order : 02.05.2024

In the matter of:

Appeal against the order dated 29.12.2023 passed by CGRF UHBVNL, Panchkula in complaint no. UH/CGRF- 258/2023.

Shri Sushil Mehta, House No. 864, Sector-12, Panchkula

Appellant

Versus

1. The Executive Engineer Operation Division, UHBVN, Panchkula

2. The SDO (Operation), Sub Urban Sub Division, UHBVN, Panchkula

Respondent

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Shri Sushil Mehta

Present on behalf of Respondents:

Shri Neelanshu Dubey, SDO (Operation), S/U Sub Division, UHBVN, Panchkula

ORDER

A. Shri Sushil Mehta has filed an appeal against the order dated 29.12.2023 passed by CGRF, UHBVNL, Panchkula in complaint No. UH/CGRF- 258/2023. The appellant has requested the following relief: -

With due respect to chair of law and Justice Respectfully States:

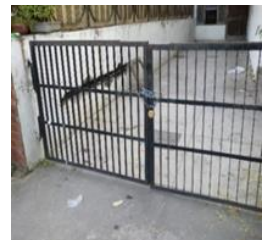
1. That a grievance/complaint, filed with supporting documents.
2. Thereafter reminders were also sent but no reply.
3. Thereafter hard copy of grievance/complaint, submitted physically by hand dated: 03.11.2023 at "CGRF" Panchkula office. Thereafter acceptance mail received.
4. Thereafter in proceedings UHBVN concerned official SDO/respondent reply received via Email.
5. The rejoinder filed submitted via mail.
6. Thereafter CGRF Order-decision received via mail dated: 02.01.2024.

Hereby submitting Appeal to Ld. Court of Electricity Ombudsman for to Revise / set aside /Quash the CGRF order, as it is not as per law/biased/unethical and the establish procedures not followed. Therefore, be declare it: NULL and VOID.

Grounds/facts of Appeal

1. Grievance/complaint is based on LAW: Electricity act 2003, article 56.
2. Further it is based on UHBVN snr. Officer circular orders.:
3. That Further it is based on HERC regulations:

4. I am Sushil kumar Mehta, true, lawful, decreed – upheld up to Hon'ble Punjab and Haryana High Court, law full Owner R/o #864, Sector-12, Panchkula, Haryana, Snr. Citizen, age approaching 70 years. Was NRI, since 2014 in India, after age 60, no employment visa.
5. My said house was trespass by lock break opening in year 2006, by a criminal nature younger brother, with the help of his father in law, who was retired from Haryana, Panchkula Police. I was employed in IRAN, tried my level best to sort out the matter amicably, but all efforts failed, shelter to court of law, filed Civil suit 265/2007, it was decreed in year 2013, decree decision findings “Me” adjudged self-acquired, true lawful owner and trespasser – lock breaker adjudged illegal unauthorised in the said house. Decree order upheld up-to Hon'ble High court Chandigarh. It's Court Record. Up-held up to Hon'ble Punjab and Haryana High court RSA4362/2014, in limen.
6. That in decree execution my said house evicted on dated 15-9-2014, by court order in due process of law. And locked in the presence of court bailiff and police team, assisted the court bailiff, as per court order. Below are the Photograph's: 15-09-2014.



Bailiff-Police team

Trespasser Articles outside

House Locking

Main Gate Locked

7. That lock breaker- trespasser – the occupier of my said house start consuming electricity as occupier-consumer. As circumstantial consumer-trespasser and paid the bills till March 2013.
8. That as per record of UHBVN, till March 2013 he – trespasser paid the bills, after that he stops, not paid any bills till eviction: 15-09-2014.
9. That on dated 15-09-2014, as stated above in para 5 and 6, decreed- its execution, house evicted by court order and locked. In due process of law.
10. That date is not remember, after some days, after eviction of my said house, I visited UHBVN office industrial area Panchkula, met concerned officer SDO on duty, for the electricity restoration – connection.

11. That the duty officer after perusing the record, informed the amount pending is about Rs. 20000/- and told me to deposit the same, I informed him as above, it is not 1-2 months bill, it is many months bill, it is not consumed by me, the house was trespassed, trespasser was the occupier - circumstantial consumer of supplied electricity, logically UHBVN need to recover the amount from him. Why provided free, not paying the bill, supply must be disconnected after not paid bill. That officer's SDO talking was very rude, adamant. At this stage I don't know about the law electricity act 2003.
12. That I back to home, evening I checked internet, visit UHBVN web site, found electricity act 2003, after reading come to know about article 56, on web site found and read HERC regulations, it is also as per law, article 56, UHBVN snr. Officer's orders /circulars on law as per law article 56.
13. That thereafter grievance / complaint sent to UHBVN officials: as per law restore my house electricity, but nothing done by UHBVN.
14. That year 2018, I come to know about RTS Commissioner, I send my grievance to commissioner RTS, after proceedings, RTS commissioner ordered to UHBVN officials "order as per law", restore my house electricity, but UHBVN official not care about it, sent it to trash bin. My house Electricity not restored as per law.
15. Thereafter from UHBVN web site, I come to know about "CGRF", as per procedure sent mail of my grievance to "CGRF", but no reply, thereafter visited "CGRF" Panchkula office, presented it, by hand to "CGRF" official's, dated: 3-11-2023.
16. Thereafter Received "CGRF" decision order via Email dated: 2-01-2024, Which is big intentional disrespect/contempt of law/ total non - procedural, un-reasoned and non-speaking, is decision order, strongly confirms "no second thought" UHBVN and CGRF hands are in gloves. UHBVN looting - cheating the innocent citizens, "CGRF" is only an eye wash.
17. "HERC" is superiors of "CRGF", therefore this appeal is be treated as Information-complaint also: strict applicable disciplinary action for disrespecting of law-rules and regulations must be, needs to be opened. If thinks so deem fit.

Facts - Grounds of APPEAL

Primarily submissions:

1. A small home or mohalla, or a city as well as a country, and small shop or a small – big organization: > laws, rules and regulations are the key for its successful operation's and to be known as reputed professional organization.

Further any position, duty holder not respecting the law-rules – regulations of the organization, it is clear “no second thought” he is not having self-respect, not alive, no respect to organization, and to own countries:, laws/rules/regulation's, developers/makers, senior – superiors of the organization, he is with dead inner-self, and only bad corrupt character to/of organization, strict administrative – disciplinary action required, to this kind of employees. Others can learn a lesson.

Electricity act 2003: Disconnection of supply in default of payment:

Article 56. (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposit, under protest, -

(a) An amount equal to the sum claimed from him, or

(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity:

2. Law of the land, India, Electricity act 2003, Article 56 is crystal clear: In brief it says: Any bill, not paid by premises occupier-consumer, (legal or illegal – tenant or trespasser etc.) of the premises, serve 15 days' notice in

writing, if not paid disconnect the supply, recover the due amount by lawful proceedings, through police – court etc. if a licensee, (here UHBVN) fail to recover the due amount, after two years, no right to recover it.

3. Further HERC regulation are also same as per law: bill not paid, sent notice: bill not paid, disconnect the supply.
4. Further UHBVN snr. Official circular is point VII: > *Any amount of arrears assessed in respect of any consumer, which could not be recovered being assessed after two years, when they became first due, will be the liability of the officers / officials responsible for delay.*
5. That CGRF order utterly intentionally failed to comply with Electricity act 2003 article 56, HERC regulations, UHBVN snr's. Order/Circular, and fully neglect the procedures to deliver a law full ethical decision.
6. The decision is unlawful, neglect of the established hearing procedures, unreasoned and biased, non-speaking, unethical, un-procedural, null and void.
7. Hereby an Appeal to set aside, be quashed, declare null and void...hearing procedure not followed.
8. Ld. Electricity - Ombudsman is hereby prayed order fresh as per law: Restoration of Electricity of my said house.

Point by point –line by line analysis of “CGRF” Decision-order. Pages: 2,3,14, 15

1. Appearance: for complainant: none: A mail message was sent due to my court date in Hon'ble High court, I will try my level best to attend..... on hearing date: 6-12-23. I was absent due to my high court date, informed in writing, >: in the absence of complainant, hearing and decision is null and void. No meaning. Further no CGRF information – communication to me about date 6-12-23, on my call, to “CGRF”, I came to know and sent the mail message. Very clear no message of CGRF is intentional: decision is Null and void.
2. Further I mailed rejoinder on 10.12.2023, it is crystal clear on date of hearing, 06.12.2023, it is not received-on record, not read. Therefore, decision order is null and void, not maintainable.
3. Further as per order page 11, SDO respondent submitted 2nd REPLY, it needs to be sent to me without fail, it is procedure copy must be supplied

to complainant / other party, even any party submit a blank paper officially, part of record. It is mandatory, must be supplied to other party.

4. Therefore, establish procedure not followed by the forum "CGRF" the decision order is null and void / not maintainable. Any hearing is also null and void in the absence of any party. Decision order only be said unlawful/biased/ null and void.
5. Up to point 32 it is my complaint.
6. Next 1st reply of SDO respondent.
7. Next 2nd reply of SDO respondent not received.
8. Next my rejoinder to first reply narrated, mail sent 10.12.2023.....herein hearing date is need to be fixed, my complainant's presence is mandatory, hearing is always convincing / logical which enable to court/forum know the facts and reach on reasons/for decision.

Next: Brief of the proceeding held: page13....end para...14..

Per para vise: line vise: 1. Respondent not appeared, 24.11.23, at barwala,; > No any kind of (mail-sms-phone) information/communication to "me" complainant, about 24-11-23, which is totally wrong, not ethical, anything/proceedings about my grievance/ complaint needs to be in Panchkula, in my presence.: decision is Null and void.

Next line: No reply furnished to the forum which was viewed seriously: > the forum must read every line /word, underline and/or prepare notes on separate paper and apply the lawful-visionary-thoughtful mind.

Nothing mention about which party reply not viewed seriously..... My rejoinder mailed reply 10-12-23 is about law of the land India, HERC regulations, and UHBVN snr. Official order/circulars....it is very serious matter that forum is not serious about all three, laws of India, HERC regulations and UHBVN circular, it is contemptuous and disobedience. HERC's deep thought is required.

It is not acceptable, Hon'ble High court needs to be aware about this forum, and the Snr's. Superiors who constitute this forum needs to be inform with everything, for the needful for to delivery of Justice, and with recommendations to demolish this forum, if thinks so deem fit, and order to appoint new officials/personal's.

Next line: The SDO/Respondent was directed to furnish point was reply to forum within 5 days without fail: point wise reply not mentioned in order: very

clear forum's directions trashed, sent to dust bin.....in my rejoinder, I mentioned para vise reply is required/it is procedure, mail sent 10-12-23, mentioning in 24-11-23???, it is self-explanatory: very unfortunate: forum directions trashed, sent to dust bin.. SDO/respondent is not present....direction given to whom??. All is contradictory-fabricated.....decision is null and void.

Reply mail received, it was not point to point.....rejoinder filed, that my grievance – complaint is on law- HERC regulation- UHBVN circular, UHBVN, its duty holder's not followed the law. In absence of point to point reply :> SDO respondent failed to reply: > it strongly confirms my grievance / complaint is correct/lawful/true. Decision order of restoration of electricity is only a correct judicious order. "No second thought"

Next line: the forum directed that next date of hearing will be intimated in due course of time: No intimation received from "CGRF", I called CGRF Panchkula office, come to know about the date 6-12-23, mail sent about my high court date: as per procedure, if any party absent, convincing reason, matter need to be adjourned to next date. Complainant presence / hearing is mandatory for the reasoned/speaking decision/order. Hearing is always logical/convincing, which enable to court/judges reach on reasoned/speaking decision, as per law and circumstances. Decision order of CGRF is unlawful needs to be set aside/quashed. Un-procedural, Null and void,

Need to pass fresh order as per law, HERC Regulation's, UHBVN snr's circular/orders.

Para point 2: this point is of reply needs an argument, law, HERC regulations, UHBVN snr. Official circular is mentioned in rejoinder, but the forum not taken it seriously, which is very unfortunate, further this point is a matter of record, what is NELLT and HCL system, it needs to be inform in my presence, it is billing or supply system?

In fact, as per procedure:> any 3rd party appointed for any purpose, need to be educated about organization's law, rules etc. it is sole responsibility of UHBVN....as licensee, if not educated, it is failure of UHBVN, Further the amount mentioned is not of electricity used or consumed by me of that period, it is court record. UHBVN ethically, lawfully, professionally not to say for any payment from me.

House come to my possession by court order dated: 15-09-2014, locked: again trespassed in my absence, I travel to Dubai for few days, to audit a project,

Decree execution court appraised with the facts, court perused the record passed the fresh order/ Warrant of possession, my house 2nd time evicted by court order dated 27-11-2017. It is court record.

The amount mentioned is of period, house not occupied by me. "Me" Not consume the electricity supplied, UHBVN its employee, fully at fault, bill not paid of March 2013, must notice and as per law, must disconnect the supply in March - April 2013, law authorized to UHBVN, must open action for recovery, why free supplied?, for long period of 18 months, It is clear, UHBVN duty holders of 2013-14 are wrong doers, administrative disciplinary action must be open as per UHBVN law and rules.

It is sole responsibility of UHBVN, no excuses – stories: bill not paid, proceed with law –rules, own official circulars, 15 days' notice, not paid disconnect the supply, UHBVN its duty officials totally failed to perform their duty/ comply to law-regulations and disobeyed own seniors orders. Therefore, department proceeding/enquiry is need to open against corrupt duty holders. If not opened, crystal clear, snr's are involved-hand are in gloves.

I am not in occupancy, so not consumer of that time, UHBVN nothing sold to me, harassing me deliberately, CGRF disrespecting the law, HERC regulations, UHBVN official order/circular, CGRF hearing is in my complainant's absence, CGRF passed unlawful, biased decision order, it is crystal clear, CGRF is eye wash forum, hands are badly in gloves, shielding own UHBVN corrupt incapable employees of that period. Who surely got some money from trespasser – circumstantial consumer and continue to supply the electricity.

Further UHBVN official Proved thieves is bill, download from UHBVN web site, its reading is of 18-09-2014 which says on this date meter was removed from the locked house by jumping/trespass the locked main gate, theft of the meter and approx. 15-20 meter connecting cable. House evicted by court order 15-09-2014, locked, it is court record. On 18th UHBVN official removed - theft the meter and connecting cable, by trespassing, jumping locked main gate.

The mentioned amount only be recovered from trespasser culprit or by the UHBVN official of that period on duty. Further as per law article 56(2) UHBVN not authorized to recover from anybody after two years. Now only can recover from own wrong - corrupt officials.

Para 3: As per the version submitted by the complaint.....: > > > > house was trespassed by lock break opening, and no representation is required and

necessary, why UHBVN supply the free electricity??, as per law article 56 “any bill not paid-any person” from/of the premises occupier- of that time - circumstantial consumer, electricity supplied, any bill not paid, 15 days’ notice, bill not paid, disconnect the supply.

UHBVN it’s that time duty holder’s fully at fault. In March April 2013, it must be disconnected. Without fail, it’s UHBVN official’s failure. Not followed the law, HERC regulations, own snr’s circular, all neglected, put in to the trash bin?

Next lines are: as per record submitted: No court had directed to recover the defaulting amount from the concerned person.....: It is UHBVN amount not paid by that time occupier – circumstantial consumer, as per law:

Article 56. (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days’ notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity.....contd....

Law is crystal clear: any person: any charge: any sum ...for electricity due from him.....15 days clear notice..... such person..... recover such charge or other sum by suit, UHBVN must – (powered by law) move to court of law and Justice.....cut off the supply of electricity.....UHBVN authorised by law to recover the amount through police / court by filing a complaint/suit. UHBVN failed to open action..... its own wrong doers, corrupt employees.

Next line says: it is also further clarified that the department consider the premises as defaulting and the owner or the name on which connection is running is liable to pay.....> it is wrong as per law....law says “any person....any chargeany sum....for electricity due from that time occupier - consumer.....15 days clear notice.....recover sum by suit.....cut off the supply.....of electricity..... March –April 2013 bill not paid, UHBVN must act as per law, why electricity supplied till September 2014, ????, UHBVN that time duty holders were undutiful –corrupt.

Seniors - auditors totally failed for approx... 18 months... free electricity given.....why???, must file the complaint to police and file suit in court of law and justice. UHBVN authorized by law for this.

Further as per law Elect. Act 2003, page 3 point 15, Consumer:

(15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other

person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be; Law clearly says: any person, including owner, it says: any person: legal, illegal, tenant- trespasser etc.: electricity supplied: any bill not paid: 15days notice: any bill not paid: disconnect the supply. “No second thought”.

HERC Regulations: page 4 (45) “occupier” means the owner or person in occupation of the premises where energy is used or proposed to be used;

Page 6 (53) “user” means any person having electrical interface with, or using the distribution system of the distribution licensee to whom these Regulations are applicable.

All law – regulation is crystal clear.....

As absolute owner meter/connection is on my name, meter is only a measuring instrument, the person who is using the energy through this meter, he is only responsible/liable to pay the amount of used energy, further responsible are, who are providing free of cost for a long period, totally ignored the law, state “HERC” regulations rules, own senior – superiors orders. Further premises is only a structure, the person inside is only be said “consumer” > user – occupier, > legal –illegal- tenant- trespasser, electricity is connected > supplied > bill paid – supply the Electricity.... not paid stop the electricity...it is law...in one line.

In today’s medical science / technology human body parts transplanted successfully, whom these are planted, only the person responsible to care, feed the organs by own expenses to procure the needs form outside 2nd- 3rd party, etc. here it is UHBVN. As the seller party must charge as per terms regularly, UHBVN must charge from person on board / in house-premises, consuming the energy, as per law, rules and senior –superior’s orders/circular.

Now at present as per law: article 56 (2)

Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity:

Law is very crystal clear: as on today after approx.11 years, UHBVN not authorised as per law to recover any amount from anybody: due to own corrupt

- undutiful employee's, organization name is UHBVN. By removing -theft of meter and meter supply cable, on 18-09-2014, UHBVN hands cut by own corrupt employees.

"CGRF" by its biased, un-law full, intentional wrong, bad, biased, decision order and by neglecting law, HERC regulations, own snr's circular order, seems CGRF is a creation of by UHBVN snr. Official's to curtain its wrong doers, corrupt employees, and to cheat the innocent citizens. It is very bad and very much disgraceful. We India celebrating 75th republic day, but slaves /dead souls, corrupts not punished.

Next lines: are about article 56:state by consumer.....consumption consumed.....name of the complainant as per record.....???, in fact this para is of respondent's reply.....further it is not an issue, It is court decreed fact.....house is mine, I am owner....already clear in above paras.

The issue is:> I am not occupier - consumer of that period.....it is court record, Not liable for anything of that period as per law electricity act 2003, article 56, as mentioned above. Further as per HERC Regulations and UHBVN senior's circular orders, point 7.

Next lines: next para: However at this stage it is not possible to ascertain the exact reason for non-disconnection of supply being period very old.....This is very irresponsible and not acceptable reply, totally unacceptable....putting of curtain on corrupt -undutiful employees, it is sin/crime to UHBVN, to Haryana, to India, not mentioning the real reason proves: CGRF not understood/judge the truth, it is intentional, that is the law - regulations - snr's orders-circular neglected....sent to trash bin.

Hereby UHBVN SDO/Respondent accepted disconnection was required, but not done....due to any reason not done, it is absolutely UHBVN fault.....only UHBVN is liable for the amount unpaid.....

CGRF > Not judged, it is clear intentional:

"It is open to SDO/respondent to admit or deny the truth-facts, but taking shelter behind the words "not possible to ascertain the exact reason" would indicate that the SDO/respondent is not prepared to part with the truth". It needs alive soul, strong will, courage and self-confidence" or keep quiet, no comments". Same is applicable on the forum/judges. Knows the truth - but not admitting, from the chair of Justice, it is wrong - very bad, not acceptable.

True known fact is, that time duty holder received some money (rishwat – bribe) from the occupier – circumstantial consumer, continue the electricity, unfaithful to UHBVN and self, auditor and other responsible senior's also failed to point out this account no. bill is not paid for long period of apporox.18 months. Incapable or undutiful, or hands were/are in gloves, Action not opened as per law.....this is all UHBVN faults/guilt's/wrongs. STRONGLY Confirms “No second thought” organization UHBVN run by corrupt – incapable employee's administration.

As per snr's circular - order point 7, only that time employees is responsible/punishable. If retired deduct pension, if on job deduct salary, others can learn a lesson, be an alive persons-forum, it is 21 year law passed by Indian parliament – seal and signed by president of India, it is law....., as free democratic Indian, it must be respected by every citizen by heart, mind and soul without fail.

At the end CGRF says the reply SDO/respondent was found in order....??: > Reply is not as per procedure, point to point required: SDO/respondent failed to give point to point reply: further not able –courage's to say the truth, further in the first para CGRF said no reply was furnished to forum which was viewed seriously. The SDO/Respondent was directed to furnish the detailed point wise reply to the forum within 5 days.....at the end the reply of SDO/respondent was found in order???. Contradictory – fabricated statements.....”CGRF” all is big show of irresponsibility, eye wash. Contempt to law of the land..... crime against public of the state of Haryana.

FOURM “CGRF” must be Devoted-dedicated to/for the public Justice. Here it is working isclear hands are very badly in gloves with UHBVN. Clear it is UHBVN Forum....

Decision: page 14: last para..15

First para is matter of record.....line 2nd hearing both the parties, is wrong, PURE false and fabricated, please read above paras. On 6-12-23, I was absent, mail message sent, for 24-11-23, no intimation –information of date to me “complainant”.

My Grievance – complaint is based on law, HERC regulations, UHBVN snr's circular-orders, which are totally neglected, not discussed, further in article 56 nothing mentioned as mentioned by CGRF in page 14 above decision para. This proves decision order is not ethical/not as per law, needs to be set

aside/quashed....declare be null and void. Fresh Decisions order “Restoration of Electricity of my premises” required to be passed as per law, HERC regulations, and snr’s circular orders. Detail analysis please read above paras.

2nd para of decision totally wrong and against the law... detail analysis please read para 3 of this appeal petition, further nothing is mention in complaint as mentioned in this para. Further law is very clear > word mentioned “ANY”: that time person lock –breaker –trespasser is occupier – circumstantial consumer. UHBVN without fail recover the amount from him, authorized by law by “suit”, but failed due to his corrupt, undutiful employees. It is court record, I am not occupier consumer of that period. Further as per law after two years UHBVN licensee not authorized recover anything from anybody. Only can recover from own undutiful –corrupt employees as seniors circular – order.

3rd para is total wrong and big irresponsible narration: it is putting curtain to corrupt – undutiful that time employees, it is crime in the eyes of law, further it is shelter behind the words. For detailed analysis please read above paras, para3 and all its sub paras.

As narrated above grievance /complaint is based on law article 56, HERC Regulations, UHBVN snr’s circulars-orders. Law is: any amount licensee UHBVN needs to recover from any person who is occupier consumer, of that time, law, regulations, snr’s circular –order totally neglected by CGRF, not called me/ no hearing to me deliberately, not heard, don’t want to heard, because I, know- read the law, regulations etc.

Therefore, as narrated in starting paras decision order is unethical, biased, not lawful, Law, regulations fully neglected, hearing established procedures not observed/followed. Therefore, decision orders is null and void, unethical against the law, need to be declare null and void, quashed in limen.

Prayer:

In view of narrated facts Ld. Electricity ombudsman hereby prayed to declare the CGRF decision order null and void, set aside and quashed it. And passed the fresh decision order as per law regulations etc. Restoration of my house/premises Electricity.

- B.** The appeal was registered on 19.02.2024 as an appeal No. 5/2024 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 05.03.2024.

- C.** The respondent SDO vide email dated 28.02.2024 has submitted reply, which is reproduced as under:

In this connection it is submitted that a complaint of Sh. Sushil Kumar Mehta Ho. No. 864 sec-12 has been received.

The detailed reply in respect to the said complaint is as under:

As per available record, connection bearing account no. 4427590000 named Sh. Sushil Kumar under domestic category had been released by the department. It is very old connection and as per record consumer had extended his lad in Nov-1999 to 4.3 KW.

The billing of the said connection was done under NELLT and HARTRON agency up to period of 09/14 and connection got disconnected in 2014 before coming in the HCL system in the year 2015. The said connection was regularly on the name of Sh. Sushil Kumar and as today an amount of Rs, 22171/- is outstanding along with all surcharges.

As per the version submitted by the complainant, it has been stated that there was dispute of his house but the consumer has not given any representation to disconnect this connection. As per the record submitted, no court had directed to recover the defaulting amount from the concerned person.

It is further clarified that the department consider the premises as defaulting and the owner or the name on which connection is running is liable to pay the amount outstanding against the said premises.

In respect to article 56 of the electricity act as stated by the consumer is of the consumption consumed by the consumer which is on the name of complainant as per the record.

However, at this stage it is not possible to ascertain the exact reason for non-disconnection of supply being period very old. However, the owner on the name of which the connection is running liable to pay the amount outstanding if any against the premises.

- D.** Hearing was held on 05.03.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO requested for short adjournment to file fresh reply being counsel recently engaged. The respondent SDO is directed to file point wise reply within 10 days with an advance copy to the appellant. Acceding to the request, the matter was adjourned for hearing on 19.03.2024.

E. The respondent SDO through its counsel vide email dated 18.03.2024 has submitted reply, which is reproduced as under:

1. That the complainant is having a domestic connection bearing account no. 4427590000 in his own name and as per the record it is a very old connection. It is pertinent to mention here that the complainant/ appellant has extended his electricity load in the month of November 1999 from his existing load to 4.3 KW, as per service connection register record of respondent department.
2. That as per the ledger record, the said connection got disconnected by the sub division office on 18-09-2014 for Rs. 19,896/- on account of nonpayment of energy bill. The said connection was always in the name of Sh. Sushil Kumar Mehta and as of today an amount of Rs. 22,171/- is outstanding against this account which also includes the 6 months surcharge amount after getting disconnected from the system.
3. That in reference to clauses of Article 56 of Electricity Act, on ground of which consumer is taking plea for non payment of energy bill, it is submitted that it is true that notice should be served to the consumer for a period of 15 days mentioning that consumer's connection will be disconnected for non payment of the electricity bill. It is pertinent to mention here that in the present case that had not been done by the staff for which necessary disciplinary has been initiated against the delinquent official, but the above act does not absolve or give freedom to the consumer for non payment of energy bill on account of negligence of any official of the department.
4. In respect to the plea of the consumer as per the article 56(1) and 56 (2) for the recovery of the outstanding amount after 2 Years. A civil Appeal 1672 of 2020 arising out of SLP (Civil) No. 5190 of 2020 regarding the same matter had been filed in honorable supreme court by Ajmer Vidhut Nigam Limited and another V/S Rahamatullah Khan alias Rahamjulla in which court had pointed out below method remarks.
“7.3 Sub Section (1) of section 56 confers a statutory right to Licensee Company to disconnect the supply of electricity, if the consumer neglects pay the electricity dues.
This statutory right is subject to the period of limitation of 2 year provided by sub section (2) of section 56 of the act.

7.4 the period of limitation of 2 year would commence from the date on which the electricity charges became "first dues" under sub section (2) of section 56. This provision restricts the right of the licensee company to disconnect electricity supply due to non payment of dues by the consumer, unless such sum has been shown continuously to be recoverable as arrear of electricity supplied, in the bills raised for the past period.

If the licensee company were to be allowed to disconnect electricity supply after the expiry of the limitation period of 2 years after the sum became "first due" it would defeat the object of section 56 (2)

8 section 56 (2) however, does not preclude the licensee company from raising a supplementary demand after the expiry of the limitation period of 2 year. It only restricts the right of the licensee to disconnect electricity supply due to non payment of dues after the period of limitation of 2 years has expired, nor / does it restrict other modes of recovery which may be initiated by the licensee company of recovery of a supplementary demand".

5. That it is worthwhile to mention here that the sub division was never the party in the dispute of the complainant with his other family members, in the court. Moreover, there was no intimation given by the consumer at that time, regarding usage of electricity supply by other person, and no application requesting for disconnection of supply in the name of complainant was ever served or received in the sub division record from which the respondent department could have taken any further action.
6. That it is further submitted that as per the application and agreement form which was submitted by the consumer, at the time of release of connection, consumer gives consent to pay the energy bills which are liable to be paid for the connection installed in his premises. And in this present case the electricity connection was always in the name of complainant and was installed in his premises.
7. It is further submitted that as per the regulation of HERC 4.3.1 regarding purchase of existing property it has been clearly mentioned that it is the duty of the applicant to verify whether the premises owner had paid all the dues and obtain NDC from the license and in the present case the owner was always the petitioner and he had never intimated or given request to disconnect the supply.

8. The bill of the consumer has been checked and found in order as all the bills were raised on actual consumption and consumer had not paid the amount after march 2013.

Submissions: -

1. That brief Facts of the case are that Sh. Sushil Kumar Mehta Is owner of House no. 864, sector-12, Panchkula. A connection bearing account no. 4427590000 in the name of Sh. Sushil Kumar under domestic category had been released by UHBVN department. This is a very old connection and as per record consumer had extended his load in November 1999 to 4.3Kw.
2. That billing of the said connection was done up to the period of September 2014 and connection got disconnected in the year 2014 on defaulting amount of rupees 20479/-. The said connection was regularly on the name of Sh. Sushil Kumar and as on today there is outstanding amount due against the complainant. The surcharge amount is also due against the complainant.
3. That as per the version and description submitted by the complainant, it has been stated that there was dispute of his house. And as per the statement of the complainant/appellant he was out of India due to his professional assignments for sometimes, and during his absence from his house, the electricity has been used by the other persons by breaking lock of his house and by trespassing his house. It is relevant to mention here that this is the matter in which respondent department cannot do anything. And the electricity department has nothing to do with the domestic family disputes of the consumers.
4. That it is pertinent to mention here that as per the submissions of the complainant/appellant it has been mentioned and stated again and again that there was dispute of his house but the consumer/appellant has not given any representation to the department at any point of time, to disconnect his connection so that his connection may not be used/ misused by any other unauthorized person.
5. That it is further illuminated and clarified that the department consider the premises as defaulting, and the owner or the name on which connection is running, is liable to pay the amount outstanding against the said premises. Hence taking view of the above facts, the consumer on whose name connection is running and who is having the possession is

liable to pay the amount outstanding on the said premises and as per the act if the official of the Nigam had not disconnected the meter timely then they are liable in the punishment but the consumer cannot be absolve from paying his bill.

6. That in respect of article 56 of Electricity Act as stated by the consumer, the amount outstanding against the consumer is of consumption consumed by the consumer which is in the name of consumer/ complainant, as per record.
7. That as per Electricity Act 2003, in regard to disconnection of supply in default of payment it has been mentioned that any person neglects to pay charges for electricity used by him, the electricity department has right to cut off the supply of electricity.
8. That it is appropriate and relevant to mention that the owner in the name of which the connection is running, is liable to pay the amount which is outstanding against the premises.
9. That in view of the submissions given above, it is contended that Ld. CGRF has given the right decision. As after examining the reply of the respondent department, the record available on the file it has been observed that a connection bearing account no. 4427590000 in the name of Sh. Sushil Kumar under domestic category had been released by UHBVN. It is very old connection and as per record consumer had extended his load in November 1999 to 4.3 KW. The billing of the said connection was done under NELLT and HARTRON agency up to the period of September 2014 and connection was disconnected in the year 2014 before coming in the HCL system in the year 2015. The said connection was regularly in the name of Sh. Sushil Kumar and as on today and an amount of Rs. 22,171/- is outstanding along with all surcharges.
10. That as it is evident from the version submitted by the appellant, it has been stated that there was disputed of his house but the consumer has not given any representation to disconnect the connection. Moreover, as per the record submitted, No Hon'ble court has directed to recover the defaulting amount from the concerned person who had entered his house forcible. After going through the whole record and taking in to considerations the pleadings made by the complainant / appellant the Forum has rightly considered the premises as defaulting and the owner

or the name in which the connection is running is liable to pay the amount outstanding against the said premises.

11. The so far the reference of article 56 of electricity act is concerned, as stated by the consumer, the amount outstanding against the consumer is of the consumption consumed by the consumer, which is in the name consumer / appellant as per record. Hence the same becomes chargeable from the consumer / appellant.

So, it is therefore, respectfully prayed in the light of the above mentioned submissions that the electricity connection which was released in the name of consumer / appellant under domestic category was regularly in the name of appellant. And the said connection is having an outstanding amount to be payable. So, the present appeal may be dismissed and pass any appropriate order in the interest of justice.

- F.** The appellant vide email dated 19.03.2024 has submitted application prayer for adjournment scheduled on 19.03.2024 and consideration /order on para 7, which is reproduced as under:

1. I, Sushil Kumar Mehta, hereby acknowledge the receipt of mail and UHBVN official's reply to my - complainant's appeal petition.
2. That this attachment is in fact UHBVN's primarily submissions, thereafter, as per Hon'ble Supreme court ruling appeal petition/any petition needs point to point/ para wise reply:

"Written Statement Must Have Para-Wise Reply to Plaint; Allegations Deemed to Be Admitted Unless Specifically Denied: Supreme Court"

Order VIII Rules 3 and 5 CPC clearly provides for specific admission and denial of the pleadings in the plaint. A general or evasive denial is not treated as sufficient. Proviso to Order VIII Rule 5 CPC provides that even the admitted facts may not be treated to be admitted, still in its discretion the Court may require those facts to be proved. This is an exception to the general rule. General rule is that the facts admitted, are not required to be proved."

3. Therefore, for the just decision every para reply needs to be admitted or denied, (all points/paras, needs logically replied as per law)
4. Further these primarily submissions also need "Re-Joinder.
5. For the purpose, I hereby pray for adjournment for 15-21 days as Id. Court thinks so deem fit.

6. And also pray to Hon'ble Court directions to UHBVN concerned officials to submit para wise reply to complaint / Appeal petition.
7. Further as per Hon'ble Supreme court Judgement ORDER:
Electricity Act, 2003, S.56(2) -- Electricity dues - Non-payment - Licensee may take recourse to any remedy available in law for recovery of additional demand, but is barred from taking recourse to disconnection of supply u/s 56(2) of the Act. (M/s Prem Cottex Vs Uttar Haryana Bijli Vitran Nigam Ltd. & Ors.) 2021(4) DNJ 1161: 2021(10) JT 394: 2021(3) LH (SC) 2332: 2021(4) RCR (Civ) 422: 2021(11) Scale 743: 2021(8) SCR 645: 2022 (1) UC 369: LawMirror.com File Number 78611

Conclusion:

“In absence of para wise reply, as per Hon'ble Apex court and as per law Order 8 Rule3 and 5 CPC, my appellant point are treated as admitted and as per point 7 of this application Hon'ble court HERC order is required: my house ELECTRICITY supply needs to be restored immediately”.

“Further in primarily submission it is UHBVN's admitted fact para 2, supply disconnected 18-9-2014 House evicted /locked 15-9-2014, and it is court record. Statements of court bailiff - trespasser statement on court record. House evicted and locked, 15-09-14 video clip on record.

Therefore, no second thought UHBVN official's house trespass by jumping etc. meter theft, connecting cable theft, and supply disconnected.... As per Apex Court point 7/ disconnection is unlawful.

Prayer:

My house ELECTRICITY supply needs to be restored immediately". I hereby assure to Hon'ble HERC court, pay the consumption bills from the date of restoration regularly, as per rules / procedures. Detail Re-joinder to primarily submission will be submitted soon.

- G.** Hearing was held on 19.03.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the appellant submitted that the reply received and requested for 10 days time to file the rejoinder. The appellant is directed to submit the rejoinder within 10 days with an advance copy to the respondent. The respondent SDO is also directed to submit the reply on the rejoinder if any within 7 days after receipt of the rejoinder. Acceding to the request, the matter was adjourned for hearing on 15.04.2024.

H. The appellant vide email dated 31.03.2024 has submitted rejoinder cum written argument, which is reproduced as under:

Issue / Matter: in very brief

1. UHBVN demanding - demanded not paid bill money of illegal – occupier - consumer (lock breaker-trespasser) of my house, evicted by court order 15-09-2014, from me, to restore/re-connection of my house electricity, which is unlawfully by theft, meter removed/by house trespass disconnected, it is totally unethical, unlawful, crime, disgraceful and INJUSTICE, in view of below facts, law and Hon’ble Supreme Court judgment Orders.
2. Further illegal, trespasser – lock breaker, of that time occupier – circumstantial consumer, is alive, his current residential address provided to UHBVN respondent SDO Sh. Neelanshu Dubey ji, UHBVN powered by “law” Electricity act 2003, article 56, and by Hon’ble Supreme court Judgement orders for to recover the money from that time occupier – consumer. Lock breaker -trespasser my house is on bail in FIR 224/16 and in FIR 147/18, lawsuit notice /summon can be delivered in court area also. It is documented evident “law suit” (decree order with “law suit”) by UHBVN, within few dates ld. court will decree order of recovery. It is only ethical way of recovery...it must be recover from the culprit/wrong doer. Occupier – consumer, of that time.
3. As above said UHBVN powered by law Electricity act 2003, article 56 and by Hon’ble Supreme court Judgment orders to recover the money from occupier- consumer by filing LAW SUIT. It is court record as per upheld decree Judgement order - CS 265/2007, adjudged illegal – unlawful/unauthorised. Evicted by court order date: 15.9.2014.
4. CS265/2007 Decree – judgement order decision findings Page 14: para 19: Line 31: “Being legal owner of disputed house, it is the prerogative of plaintiff to allow or disallow defendant to stay in his house. Filing of this civil suit is a sufficient notice against defendant from plaintiff to vacate disputed house. Still defendant is in Un-authorized possession of disputed house. Plaintiff is clearly entitled to take the vacant possession of disputed house from defendant. Issue no. 1 and 3 are decided in the favor of plaintiff”.

“In case, I paid money with heavy heart, it boost to corruption/crime only. This illegally collected my money, will be

distributed as salary to all UHBVN employees, buy – eat food with this illegal wrong money, sooner or later it will create sickness all employees, families children's, tensions only, there children's never faithful to parents, not faith full to country also. It is not "JUST". UHBVN must file law suit in March - April 2013, can also disconnect supply, as powered by law, as on today powered by Hon'ble SUPREME COURT also. Therefore, UHBVN must perform ethically. UHBVN doing business not charity. No concern who is in side electricity connected area, bill not cleared-open lawful ethical action".

True Material FACTS: on Ld. court record

5. That, in view of BELOW court record facts: para 12 on words: I am not occupier of my house of that time period, (it is court record). UHBVN demanded/demanding money from me? It is totally unethical, cheating, corruption, crime, disgraceful and INJUSTICE.

Law: Rules: Electricity act 2003, article 56

6. That, further after not paid first bill, March – April 2013, by that time occupier – consumer, trespasser – of my house (circumstantial consumer) UHBVN failed-not used powers given by Elect. Act - law 2003, article 56, to open law full action by law suit, to recover the money, by not using powers, and not disconnected the supply also, given by law, 18 months' supply free of cost, it is matter of deep investigation/serious concern. No second thought, it is UHBVN's deliberated failure. Information received under RTI act 2005, it says UHBVN fully aware about law. Therefore, demand of money from me is wrong, not acceptable, it is unlawful, unethical, and it is corruption/crime.
7. That, Further supply disconnected by trespassing from the locked house, it is severe crime. After 18 months as UHBVN admitted in submitted submissions para 2, on 18.09.2014, removal – theft of meter / supply cable, from the locked house, disconnecting is unlawful, house evicted by court order and main gate locked 15.09.2014. It is court record.
8. As per Elect. Act/law 2003, article 56, licence UHBVN authorised by law (by law suit etc.) for the recovery of amount from that time occupier / consumer. (As per law, Any person: illegal – legal, tenant- trespasser – owner, > must be occupier-consumer of that time)

9. From the date first due March-April 2013, free electricity supplied, 18 months??? BUT LICENCE UHBVN FAILED, Due to own unfaithful, corrupt duty officials. No law suit for recovery...?, no disconnection, House evicted 15-09-14, electricity disconnected 18-09-2014, as admitted by UHBVN submissions. Page 1, para2.
10. Reason: Intentionally, in view of below mentioned fact.... It is intentional big planned cheating/corruption /crime by UHBVN officials, since 2003, year of act in force. It is “C” grade act of UHBVN’s COURRPT duty holders/management.
11. UHBVN “WHY” remove /theft the meter, cable, cut supply ETC. from the locked house: here we apply “6 W 1H” Rule: See Para 13 below to know about this investigation rule.
 - 11.1. Common citizen not aware about law/act etc. No information – education from Govt. Of India, Electricity is essentials item/need, in/of daily life, it is clear 18 months free supply given by “UHBVN” On duty official’s, pocketed the bribe (चाय - पानी - रिश्वत) continue the supply. It also confirms UHBVN duty holders aware, person is illegal occupier, one day evicted....
 - 11.2. When big amount remove everything, (HERE house evicted by court order), the needy person/owner fulfil their demand, they install meter etc. Very clear bribe (चाय - पानी - रिश्वत) also pocketed by “UHBVN”, amount also be recovered. So, law given powers not used? Cheating – corruption – corruption – corruption. By own unfaithful – corrupt employees. Seniors – superiors also seems involved, auditors also failed to detect about bills not paid? Supply continued?? Big scam..... Material, True on court record Facts
12. That the appellant / complainant is senior citizen, age 70 years plus, was NRI, owner R/o of House no. 864, sector-12, Panchkula. Since 2014 in India, (after age 60 no employment visa) is absolute true, lawful owner of house no. 864, Sector-12, Panchkula, by allotment, registered conveyance deed, and four Hon’ble court judgement orders. Purchase to construction from NRI accounts, all record on upheld decreed CS265/2007.
13. That further applicant is as HSE – HR consultant – Auditor, is trained first Aider, firefighter, Emergency response leader, technical investigator by application of “6W 1H” rule. WHY, WHAT, WHEN, WHOM, WHO, WHERE,

“H” for HOW. Completed Oil-Gas, heavy civil Projects in Middle East and African countries as HSE – HR professional.

14. That in year 2006, I, was employed in IRAN, the above said my house was trespass by lock break opening by criminal nature younger brother, (but Indian citizen in court of law) with the help of his father in law, retired police official. Further he is criminal nature person, disowned by late parents.
15. That all efforts to sort out matter amicably failed. He demanded Rs.30 lacs to vacate my said house. Left with no other option, I, shelter to court of law and Justice, and filed CS265/2007, it is decreed in April, 2013,
16. That Decree order decision findings of CS265/2007, upheld by first appeal of court, and thereafter in regular second appeal by Hon'ble Punjab and Haryana High court in RSA 4362/2014 in limen.
17. That in decree execution the said house evicted by court order in due process of law on dated: 15-09-2014, by court bailiff – assisted by police team. House eviction event photo and video graphed. Below are the photos.



Bailiff-Police team



Trespasser Articles outside



House Locking



Main Gate Locked

17.1. It is pertinent to mention occupier-consumer-trespasser stop the paying bill in March –April 2013, April 2013 is month CS 265/2007 decreed. He knows now he will be Evicted.... Clearly intentionally stopped bill paying, and started paying some cash bribe (चाय-पानी-रिश्त) to UHBVN corrupt employee's meter reader, line man etc. it is clear, it is by convenience (मिली-भगत) with on- duty UHBVN officials. 18 months.... free supply? no law suit, no disconnection...UHBVN clearly at fault. “no second thought”

18. In view of above on court record facts, I am not occupier of my said house of that time period, UHBVN demanded-demanding money from me??. It is totally unethical, cheating, corruption, crime, disgraceful and INJUSTICE.

19. Further after not paid first bill, March – April 2013, UHBVN utterly – intentionally failed to use powers given by law article 56, to open law full action (law suit) to recover the money, from that time occupier- consumer, as above said, it seems seniors –superior’s UHBVN officials are involved. Auditors failed to detect pending bills, amount, supplying electricity free? Not using powers given by law, MUST FILE RECOVERY LAW SUIT. It is matter of investigation, “No second thought licence UHBVN is at great fault.
- Objections: to UHBVN said reply document of dated: 13-3-2024, received Email 18.3.2024. Which is in fact primarily submissions: as per law CPC Order VIII, R 3 and 5, all paras point to point reply required :- clear reply not filed.
20. That whereas UHBVN utterly failed to para point reply to Appeal petition, and representative Adv. Sh. Sanjay Bansal, loudly voiced in open Video Conference court, primarily submissions document is UHBVN’s final reply to appeal petition/application.
21. As per law CPC Order VIII, Rule 3 and 5. In general, petition para points are replied as: para no. needs not any reply, para no. point is a matter of record, para no. point is admitted, para no. point is denied, para no. point is partly admitted, rest is denied...etc.
22. Application submitted by the appellant in this regard, but Hon’ble appellate court of HERC Electricity Ombudsman, silent on this issue, in interim order of dated: 19.03.2024.
23. It is pertinent to mentioned that “Allegation - paras points of Appeal-Petition/Complaint: Deemed to be admitted unless specifically denied: Supreme Court is Hon’ble SC judgment Order on CPC law O VIII R 3, 5 and all.
24. Whereas, in absence of para wise reply by UHBVN, it will be said as REPLY statement not filed by the UHBVN.
25. In view of above said LAW-ruling of Hon’ble Supreme court as per law, appellant’s appeal petition ALL PARA POINTS ADMITTED BY UHBVN.
26. Therefore, my Appeal petition page 5, from para1: “Appearance” next all pagesall paras, all para points, up to page 14, admitted by UHBVN.
27. Argument: Therefore In view of herein para 25, 26,: my Appeal petition para points admitted by UHBVN: Hon’ble Ombudsman court, HERC here

by prayed to pass an ORDER OF RESTORATION OF MY HOUSE ELECTRICITY.

28. Hon'ble Supreme court Judgement order, wherein Hon'ble Delhi High court passed the decree, Under Order 8 rule 3 and 5, etc. after given opportunities to respondents to file statement reply as per law. CPC law Order VIII Rule 3 and 5.
29. In very brief about, wherein Order VIII, all rules discuss in detail, it says: Opportunities as per law given, Reply statement not filed, plaint points deems as admitted, by Hon'ble Delhi High Court, passed decree order. On appeal Hon'ble Supreme court passed Judgement order, opportunity given fix time for filing reply as per law, if failed, Hon'ble High court decree will be as "shall stand"/UPHELD.
30. Hon'ble Supreme Court Order page 14, last para highlighted: "We, therefore, allow the appeal, set aside the judgment dated 10.2.1997 passed by the Single Judge As also the judgment dated 29.4.1998 passed by the Division Bench of the Delhi High Court and remand the case back to the Delhi High Court for a fresh decision. We allow the appellants and Respondent No. 2 to file their Written Statement by 15th October, 1999, with a clear stipulation that if the Written Statement is not filed by that date, the decree passed by the High Court shall stand."
31. Argument: Therefore, in view of above Judgment – Order: Hon'ble Ombudsman HERC court hereby prayed, in absence of as per law, para wise reply, it is hereby prayed to pass order to restore my house electricity immediately.
32. Further in submissions document WORD IS "CONSUMER" it is wrong, UHBVN only can mention word "Appellant/Complainant" I am not UHBVN supplied electricity "consumer" of that time period, UHBVN demanding money from me. I am not "UHBVN" consumer" As per law and as per Hon'ble Supreme court Judgement orders, and it is court record. Further after removal, theft of meter /cable etc. Any agreement between me and UHBVN, terminated automatically after 180 days of removal, now it is 10th year.

Citations of Hon'ble Supreme court in Judgment Order. Law Electricity Act 2003, Article 56

"Section 56. Disconnection of supply in default of payment –

33. (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

a) An amount equal to the sum claimed from him, or

b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

34. CIVIL APPEAL NO.1672 OF 2020, (Arising out of SLP (Civil) No. 5190 of 2019), Assistant Engineer (D1), Ajmer Vidyut ...Appellant(s) Vitran Nigam Limited & Anr. Versus Rahamatullah Khan alias Rahamjulla.

35. In the present case, the period of limitation would commence from the date of discovery of the mistake i.e. 18.03.2014. The licensee company may take recourse to any remedy available in law for recovery of the additional demand, but is barred from taking recourse to disconnection of supply of electricity under sub-section (2) of Section 56 of the Act.

36. Electricity has been held to be “goods” by a Constitution Bench in State of Andhra Pradesh v. National Thermal Power Corporation Ltd. under the

Sale of Goods Act, 1930 a purchaser of goods is liable to pay for it at the time of purchase or consumption. The quantum and time of payment may be ascertained post facto either by way of an agreement or the relevant statute.

37. In view above para 35, 36: purchaser of goods is liable to pay for it at the time of purchase or consumption. Herein HE – that time occupier – purchaser>consumer was paying since 2006, he stops in March –April 2013, UHBVN as powered by law ARTICLE 56, must file recovery law suit, and as also authorised can disconnect the supply also. In –March-April 2013. “No permission-order of any court is required” UHBVN powered by “LAW” > LAW itself is Order.
38. I am not that time Electricity purchaser, UHBVN demanding-demanded that time money from me? It is totally unethical, cheating, corruption, crime, disgraceful and INJUSTICE.
39. Summary-Citations: Hon’ble Supreme court Judgment: Electricity Act 2003.... K C Ninan versus State of Kerela, Duty to supply electricity under Section 43 of the Electricity Act, 2003 not absolute
40. According to Section 43, the distribution licensee is obligated to supply electricity to the premises of an owner or occupier within a month of the receipt of an application requiring such supply. The provision casts a duty on the distribution licensee to supply electricity to the owner or occupier’s premises. Correspondingly, the owner or occupier of the premises has a right to apply for and obtain electric supply from the distribution licensee. Both the right and the corresponding duty are imposed by the statute. The owner or occupier of the premises has to submit an application to avail of the supply of electricity. Under Section 43, when electricity is supplied, the owner or occupier becomes a consumer only with respect to those particular premises for which electricity is sought and provided by the Electric Utilities....

Premises cannot be a defaulter

41. The duty to supply electricity under Section 43 is only with respect to the owner or occupier of the premises, and not the premises, as it is the owner or occupier who has the statutory right to “demand” electricity for the premises under their use or occupation.
42. While Sections 43 and 44 of the 2003 Act talk about supply of electricity to premises, the use of such phrases is borne out of the practical

consideration of supply of electricity. Unlike other goods, a distribution licensee cannot insist that the consumer come to their factory or warehouse to receive the supply of electricity. The distribution licensee necessarily has to lay down special infrastructure such as electricity lines and transformers to transmit electricity and supply it directly to the consumer, at their premises. On an application, the distribution licensee is statutorily obliged to supply electricity to the consumer. Consequently, the place where the supply of electricity is to be made has to be necessarily identified. Thus, Section 43 and 44 refer to the consumer's premises to fix the situs for the purpose of supplying electricity.

43. "Thus, it is always the consumer who is supplied electricity and is held liable for defaulting on payment of dues or charges for supply of electricity. Perforce, the premises cannot be held to be a defaulter and no dues can be attached to the premises of the consumer."... Argument: in submissions by UHBVN mentioned consider premises default etc. in view of above, it is wrong..... Only that time occupier –consumer is at fault of non-paid dues.

Reconnection versus fresh connection

44. 44. For an application to be considered as a 'reconnection', the applicant has to seek supply of electricity with respect to the same premises for which electricity was already provided. Even if the consumer is the same, but the premises are different, it will be considered as a fresh connection and not a reconnection. For example, when a person owning an apartment in a residential complex applies for supply of electricity to such an apartment, they become a consumer only with respect to the apartment for which the application is made and to which electricity is supplied. Such a person may own another apartment to which electricity may already be supplied, but they will be considered a separate consumer with respect to the second apartment....

The power to initiate recovery proceedings by filing a suit against the defaulting consumer is independent of the power to disconnect electrical supply as a means of recovery under Section 56 of the 2003 Act.

45. Argument: in view of above further Licence UHBVN commercial interests are already protected by LAW act 2003, licence powered by law to recover the amount by law suit of any bill not paid, any person..., therefore licence

must act 15 days' notice, bill not paid proceed with law, disconnecting powers also given by law. What more required??? To licence. From LAW. Therefore using the law is sole responsibility of licence "UHBVN", it must be used in March April 2013, but Licence UHBVN utterly failed/sleeping to date: जब जागे-तभी सेवेिा..... UHBVN must act now, file law suit, it is 100% decreed to UHBVN favour. Hon'ble Ombudsman court capable-independent authorised by law pass order to UHBVN for this. Defaulter is available.

Whether arrears of electricity can become a charge or encumbrance over the premises.

46. The provisions of the 1910 Act, 1948 Act, and the 2003 Act do not provide that the arrears of electricity dues would constitute a charge on the property or that such a charge shall be enforceable against a transferee without notice. In fact, the arrears of electricity cannot become a charge or encumbrance over the premises, in the absence of an express provision of law in the 1910 Act, 1948 Act or 2003 Act.
47. Hence, in general, a transferee of the premises cannot be made liable for the outstanding dues of the previous owner since electricity arrears do not automatically become a charge over the premises. Such an action is permissible only where the statutory conditions of supply authorize the recovery of outstanding electricity dues from a subsequent purchaser claiming fresh connection of electricity, or if there is an express provision of law providing for creation of a statutory charge upon the transferee....
48. Implication of Section 56(2) on recovery of electricity dues by Electric Utilities
49. Section 56 falls under Part VI which is titled "Distribution of Electricity". Section 56 provides for disconnection of electrical supply in case there is a default in payment of electricity charges.
50. The power to disconnect is a drastic step which can be resorted to only when there is a neglect on the part of the consumer to pay the electricity charges or dues owed to the licensee or a generating company, as the case may be. Argument: licence UHBVN powered by law, must use law in March -April 2013. Against that time consumer.
51. The statutory right of the licensee or the generating company to disconnect the supply of electricity is subject to the period of limitation of

two years provided by Section 56(2). Section 56(2) provides that notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer “under this section” shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of electricity. The limitation of two years is limited to recovery of sums under Section 56. This is evident by the use of the expression, “under this section”.

52. The period of limitation under Section 56(2) is relatable to the sum due under Section 56. The sum due under Section 56 relates to the sum due on account of the negligence of a person to pay for electricity. Section 56(2) provides that such sum due would not be recoverable after the period of two years from when such sum became first due. The means of recovery provided under Section 56 relate to the remedy of disconnection of electric supply. The right to recover still subsists. Argument: UHBVN can file law suit against that time occupier –consumer.....
53. Implication of an auction-sale of premises on “as is where is” basis, with or without reference to electricity arrears of the premises The implication of the expression “as is where is” basis is that every intending bidder is put on notice that the seller does not undertake responsibility in respect of the property offered for sale with regard to any liability for the payment of dues, like service charges, electricity dues for power connection, and taxes of the local authorities.
54. Argument: Herein this case above is not applicable..... it is not auction sale etc. It is illegally occupier – consumer case..... Whereas person is available, as court record all document evidences available.... therefore, UHBVN ethically must be recover from him, law is with licence UHBVN. Hon’ble supreme court with UHBVN.

Para / point line to line reply to UHBVN Objections/ Submissions

55. Page 1, Para 1 of UHBVN objection/submissions: is a matter of record.
56. Page 1, Para 2 of UHBVN objection/submissions: connection disconnected on mentioned date as per UHBVN record 18-09-2014, and as same date mentioned on bill. Meter removed/cable removed, which in fact is a theft. It is court record house evicted by court order in due process of law, by court bailiff assisted by police team, and main gate locked dated:

15-09-2014. Next lines connection on my name it is true. But I am not occupier – consumer of that time period, it is court record. Next lines about mentioned amount etc. here it is specifically denied not belongs to me. It is only recoverable from that time occupier – consumer. Who is alive, is his address, Licence UHBVN powered /authorized by law to recover and by Hon'ble Supreme Court also, from him, it is only justice, ethical and lawful, and righteous. Argument: please read para: 4 sub para.

57. Page 2, Para 3 of UHBVN objection/submission: mentioned 15 days' Notice given, mentioning that consumer connection will be disconnected, for non-payment of electricity bill. Next mentioned: Very Important: it is pertinent to mentioned here thatpara contents... Disciplinary etc. official of the department. > Herein UHBVN accepted “mistake” connection not disconnected, and it is un-dutiful employee not performed his duty. > And good big amount become unpaid, UHBVN must employee mature faithful employees, regular training needs to be given, Employees negligence > intentional or routine??, It's UHBVN, only, UHBVN must suffer, not to play blame game. UHBVN doing business: not charity: point 7, it is healthy mind order memo: “Any amount of arrears assessed in respect of any consumer, which could not be recovered being assessed after two years, when they became first due, will be the liability of the officers / officials responsible for delay.”

In view of this memo point 7, of seniors, only this disciplinary action is applicable. As it is admitted by UHBVN's submission's Disciplinary has been initiated, point 7 is UHBVN senior –superior's official order -Memo, these submissions says as per point 7, amount is recovered, from that wrongdoer employee, therefore UHBVN must restore my house electricity. Immediately. If any other “Disciplinary” initiated UHBVN need to mention clearly, need not to say it will be against order, point 7. Which is not acceptable. Further Hon'ble Supreme court Judgement orders allows UHBVN to proceed with law suit against that time occupier consumer.

58. Page 2, Para 4 of UHBVN objection/submission: is Judgment order of mentioned appeal, please see read paras: 34,35,36,37,38, further this is not similar case, mistake discovered very late.... after 2 years UHBVN not authorized, but time 2 years start from the date of recovery, can file law suit..... Argument: Here is no mistake of account, here is free supply provided for long period to that time illegal occupier consumer trespasser, judgement says para 36 “purchaser of goods is liable to pay for it at the time of purchase or consumption.” Therefore: UHBVN must act in March -April 2013, due to any reasons –undutiful official failed “act now” >

“person illegal occupier – consumer is available,” documented proof on court record, law is with UHBVN, Hon’ble Supreme court Judgement order is with UHBVN. UHBVN File law suit and recover the money. Here UHBVN can plead come to know the facts decree order now, it is true also, rest discuss with your inner self, do the right....it is clear, illegal occupier intentionally stopped paying, it is also clear UHBVN on duty holder not dutiful, UHBVN Auditor’s etc. also failed, UHBVN must learn lesson, next Point 7.3, 7.4, and 8 are law points, need not any clarification. But it is bare truth UHBVN utterly failed to act as per law, act now > file law suit against illegal occupier- consumer, law is very crystal clear “occupier is consumer”

59. Page 3, Para 5 of UHBVN Objection/submissions: this para is totally not related: very irresponsible narration, Arguments: Id. Courts now granting electricity connections, it is basic utility as per constitution point 21, no tenancy etc. NO NOC of owner is required, person is illegal, legal, trespasser. He is Occupier, provide electricity..... Hon’ble Mumbai High court Judgement order Electricity supply is not “ownership” Argument: here in my house electricity connection was already there. Licence UHBVN ethical duty is ...it is any person ABC-XYZ.... LAW 56 is very clear, paying bill provide electricity.... any bill not paid, “stop”. UHBVN powered by law not paid bill money recover by law suit, police complaint ETC. Licence UHBVN failed to act, powered by law?
60. Page3, /Para 6 of UHBVN Objection/submissions: that was 1987-88, now we are in 2024, always said law of the land on the date in force: what agreement now in force it is automatically replace old agreement if any, at present in light of Hon’ble supreme court judgement orders and law electricity act 2003 article 56. Occupier is consumer, as per Hon’ble Supreme court judgement order, kc nian vs kerela state please see above paras of this rejoinder: Hence, in general, a transferee of the premises cannot be made liable for the outstanding dues of the previous owner since electricity arrears do not automatically become a charge over the premises. Almost all issues discussed and opinion. Read paras above in this rejoinder. Further this is common clause of agreement if a break more than 180 days, agreement is null and void and agreement terminated. Here UHBVN removed /theft meter /cable etc. admitted on dated: 18.09.2014, we are in 2024, UHBVN ethical duty must attach agreement

with submissions. Intentionally not attached? Why? After 10 years it is null and void.

61. Page 3/Para 7 of UHBVN Objection/submissions: as per law electricity act 2003, this para is not relevant, I am owner since 1986, please read paras 12 onwards of this rejoinder.
62. Page 3/Para 8 of UHBVN Objection/submissions: As per law electricity act I am not occupier consumer of that time period, it is court record, therefore, I, am not liable to pay a single penny, house evicted by court order in due process of law. UHBVN authorised by law by law suit, by police complaint, all lawful acts must recover the money from that time occupier/consumer, it is a court record.
63. Page 4 para1 of UHBVN Submissions: para 1 is a matter of record.
64. Page 4 para2 of UHBVN Submission: Arguments: connection is on my name, I am owner of the house property, by allotment, registered conveyance deed, and four Hon'ble court judgment orders. House was trespass by lock break opening in year 2006, evicted by court order in 15-09-2014, it is specifically denied. That the amount mentioned due is not to me as owner. I am not occupier consumer of that time period, for which amount is due. UHBVN by law authorised to recover the amount from that time occupier /consumer, who intentionally stop paying bills from March –APRIL 2013. It is UHBVN fault, why continuously supplied free for 18 months, when bill is not paid. Must proceed as per law /lawfully. As on today person is alive, UHBVN authorised by law electricity act 2003. and further Hon'ble Apex court judgment orders by law suit /police complaint etc. must recover the money from that time occupier consumer.
65. Page 4 para3 of UHBVN Submission: Argument: herein UHBVN respondent mentioned admitted the fact, electricity supplied and consumed by other person, I was employed abroad, house trespassed by lock break opening. It is admitted by UHBVN. I am not occupier consumer of that time period.

Argument: UHBVN only authorised to supply the electricity, which was already connected, it is subject to as per law in force: the bill amount paid, give the supply, when bill not paid why supplied??, UHBVN not followed the law of land India. UHBVN only responsible for the results/due amount. As per Hon'ble Apex Court Judgement Orders and law electricity

act 2003 authorised to recover the dues from that time occupier – consumer.

66. Page 4 para4 of UHBVN Submission: Argument: it is cleared in above paras Hon'ble courts under constitution of India article 21, person mandatory to get electricity, where he/she is in occupation/occupier legal- illegal – owner –trespasser-tenant etc. electricity connection /supply is not a issue of ownership etc. law is crystal clear occupier is consumer. Not paid any bill proceed as per law ethically – lawfully. 15 days' notice.....bill not paid, file law suit / police complaint, and disconnect supply. "NO BODY IS ABOVE THE LAW. IGNORANCE OF LAW NO EXCUSE" these all well- known sayings. UHBVN only at fault, by providing free supply for 18 months, bill not paid. Under RTI act information received UHBVN fully aware about the LAW. Electricity act 2003, article 56.
67. Page 4 para5 of UHBVN Submission: para 5 mentioning is specifically denied, premises never be a default. Please read above paras, of this rejoinder, Hon'ble supreme court judgement order, kc ninan vs kerela state: "Premises cannot be a defaulter" next mentioning is totally unethical, unlawful and not logical, in above paras clarified in detail. I am not occupier consumer of that time period, in fact since 2006, house occupied illegally, I employed abroad, IRAN. House evicted by court order sept. 15th 2014. Bill not paid must disconnect, follow law, file law suit, it is occupied by anybody.
68. Page 5 para 6 of UHBVN Submission: Argument: here again clarifying I am not occupier - consumer since 2006, not occupier, UHBVN admitted this fact, law is very clear the person anybody occupier is consumer, meter name –meter connection no concern. Occupier is consumer, only liable to pay consumption. Law is crystal clear. By repeating lie cannot become truth. UHBVN must understand occupier is consumer, premises is not consumer, cannot be defaulter, meter is consumption measuring instrument. Not consuming instrument..... After supply occupier become consumer.....
69. Page 5 para7 of UHBVN Submission: Argument: law is any bill also not paid ... it must be disconnected without fail in March –April 2013. It is admitted fact of UHBVN submission, page 2 para 3, please read para 66 of this rejoinder cum arguments.

70. Page 5 para8 of UHBVN Submission: Argument: it is specifically denied mentioning is wrong and unlawful. Law is any person ...any bill... only occupier - consumer is liable to pay everything.
71. Page 5 para9 of UHBVN Submission: all mentioning of this para specifically denied, it is repetition. CGRF order is un-procedural and not lawful, UHBVN failed to para point reply at CGRF. CGRF Order of point to point reply ignored, and here in Electricity Ombudsman court also failed. Misleading the Id. Court is a severe offence, by mentioning consumer...meter is on my name, as per law it is wrong and unlawful. In law act 2003, any occupier is consumer, consumption is payable by occupier of that time. It is court record I am not occupier of that time. Meter on my name: I cannot be said consumer: meter is measuring instrument, any occupier is consumer. UHBVN failed to act as per law.
72. Page 6 para10 of UHBVN Submission: Argument: the submission of this para specifically denied. Law itself is order, no court order is needed to recover the amount from any person who is occupier -consumer, using /consuming the supplied electricity. Licence UHBVN fully powered by law to proceed lawfully and ethically. Premises cannot be at default, please read above paras.
73. Page 6 para 11 of UHBVN Submission: it is repetition, submission specifically denied. And here it is contradictory also, it is admitted fact of UHBVN I am not consumer of that time period. UHBVN all most all submission of misleading, against law and Hon'ble Apex court judgement orders.

Conclusion: Prayer

- a) As per law: Occupier is consumer, any person neglects to pay any bill UHBVN licence powered by law to proceed lawfully, law suit, to recover the billing amount and stop supply of electricity. UHBVN utterly failed to proceed as per law.
- b) Hon'ble Supreme court Judgement order are also as per law, occupier is consumer, licence authorised to recover amount by law suit etc. after two years also.
- c) UHBVN unlawfully- unethically, demanding from me. Hon'ble Electricity Ombudsman, court hereby prayed to pass order to immediate restore my house electricity and UHBVN proceed as per law file law suit against the at that time occupier consumer. He is on bail in FIR 224/16 and FIR

147/18. Appearing in courts on dates. It is admitted fact by UHBVN, I am not occupier of that time period, therefore I am not consumer of that time period, I am true, legal owner since 1986.

- d) Hon'ble Electricity Ombudsman here by prayed in view circumstances narrated, as per law, as per Hon'ble Supreme Court judgement orders, please pass an Order to restore my house electricity, and pass an order to UHBVN to proceed as per law file law suit to recover the bill amount from that time occupier consumer. Who is alive....
- I.** Hearing was held on 15.04.2024, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the respondent requested for short adjournment to file reply. The respondent SDO is directed to submit the reply on the rejoinder if any within 10 days with an advance copy to the appellant. Acceding to the request, the matter was adjourned for hearing and final arguments on 30.04.2024.
- J.** The respondent SDO vide email dated 28.04.2024 has submitted reply on the rejoinder as submitted by the appellant, which is reproduced as under:
1. That the present issue pertains to disconnection of the electricity on account of failure of the deposit of electricity consumption charges. The procedure of initiate action on account of failure to pay the electricity consumption charges is prescribed in Electricity Supply Code, 2014 and also in various Sales Circulars issued by the Nigam from time to time.
 2. That the Electricity Supply Code, 2014 has been communicated by the HERC by exercising the powers conferred under Section 50 and Clause X of the Sub Section 2 of Section 81 of the Electricity Act, 2003. Regulation 10 of the Electricity Supply Code, 2014 is in this regard.
 3. That Section 56 of the Electricity Act, 2003 empowers the Nigam to cut up of the supply of electricity, which has been upheld by the Hon'ble Supreme Court of India in case of Appeal no. 7235 of 2009 – titled as “M/s Prem Cottex Versus Uttar Haryana Bijli Vitran Nigam Ltd. And others, reported as 2021(4) RCR (Civil) – 422, whereby, it has been held as under:
“...26. The matter can be examined from another angle as well. Subsection (1) of Section 56 as discussed above, deals with the disconnection of electric supply if any person “neglects to pay any charge for electricity”. The question of neglect to pay would arise only after a demand is raised by the licensee. If the demand is not raised, there is no occasion for a

consumer to neglect to pay any charge for electricity. Sub-section (2) of Section 56 has a non-obstante clause with respect to what is contained in any other law, regarding the right to recover including the right to disconnect. Therefore, if the licensee has not raised any bill, there can be no negligence on the part of the consumer to pay the bill and consequently the period of limitation prescribed under Sub-section (2) will not start running. So long as limitation has not started running, the bar for recovery and disconnection will not come into effect. Hence, the decision in Rahamatullah Khan and Section 56 (2) will not go to the rescue of the appellant.”

4. That instruction No. 7.1 of the Sale Manual also provides the disconnection of the electricity connection on account of failure to pay the electricity consumption charges.
5. That the aforesaid statutory provisions clearly mandates that it is the statutory duty of the Nigam to disconnect the electricity connection on account of failure to deposit the electricity consumption charges, therefore, the appellant cannot wriggle out of the obligation to deposit the outstanding electricity dues against the electricity connection in question.
6. That the appellant admittedly instituted the civil suit no. 265 of 2007 for eviction, however, the appellant never informed to the Nigam about any such suit or applied to Nigam for any disconnection of supply of electricity in the said premises. Further, the appellant failed to inform the Nigam about recovery of dues from some other person than the appellant.
7. That the appellant has applied for re-connection restoration of the supply of electricity and the respondent/Nigam is within its power and duty under Regulation 10.2.2 of the Electricity Supply Code, 2014 to demand the electricity charges and other charges due to the appellant before the restoration of the connection. The reliance of the appellant of Order 8, Rules 3 & 5 of CPC is virtually mis-placed and misconceived as the proceedings before the CGRF and Ombudsman is not governed by the Code of Civil Procedure.
8. That the appellant by the proceedings before the CGRF as well as in this appeal is trying to execute the decree of the civil suit No. 265 of 2007 dated 28.11.2007 against the Nigam despite the fact that the appellant for the reasons best known to him did not implead the Nigam in the said civil

suit and the issue before the civil court is not relates to the recovery of the outstanding dues and therefore, even if some facts qua the said decree has been mentioned by the appellant, the same are not relates to the Nigam as the Nigam was not the party before the Civil Court.

9. That the allegations in the written submissions submitted by the appellant are malicious, therefore, the answering respondent/Nigam reserve its right to initiate criminal proceedings against the appellant on account of leveling false and frivolous allegations against the answering respondent/Nigam.
10. That in the Electricity Bill, it is specifically mentioned that this should be treated as notice under Section 56 of the Electricity Act, 2003.
11. That the Hon'ble Supreme Court of India in the case titled as K.C. Ninan Versus Kerala State Electricity Board and others reported as 2023 (3) RCR (Civil) 227 has upheld as under: -

328. The conclusions are summarised below

- a. *The duty to supply electricity under Section 43 of the 2003 Act is not absolute, and is subject to the such charges and compliances stipulated by the Electric Utilities as part of the application for supply of electricity;*
- b. *The duty to supply electricity under Section 43 is with respect to the owner occupier of the premises. The 2003 Act contemplates a synergy between the consumer and premises. Under Section 43, when electricity in supplied, the owner or occupier becomes a consumer only with respect to those particular premises for which electricity is sought and provided by the Electric Utilities;*
- c. *For an application to be considered as a 'reconnection', the applicant has to seek supply of electricity with respect to the same premises for which electricity was already provided. Even if the consumer lo the same, but the premises are different it will he considered as a fresh connection and not a reconnection;*
- d. *A condition of supply enacted under Section 49 at the 1948 Act requiring the new owner of the premises to clear the electricity arrears of the previous owner as a precondition to availing electricity supply wilt have a statutory character;*
- e. *The scope of the regulatory powers of the State Commission under Section 50 of the 2003 Act is wide enough to stipulate conditions for recovery of electricity arrears of previous owners from new or subsequent owners;*
- f. *The Electricity Supply Code providing for recoupment of electricity dues of a previous consumer from a new owner have a reasonable nexus with the objects of the 2003 Act;*

- g. The rule making power contained under Section 181 read with Section 50 of the 2003 Act is wide enough to enable the regulatory commission to provide for a statutory charge in the absence of a provision in the plenary statute providing for creation of such a charge;*
 - h. The power to initiate recovery proceedings by filing a suit against the defaulting consumer is dependent of the power to disconnect electrical supply as a means of recovery under Section 56 of the 2003 Act;*
 - i. The implication of the expression "as is where is" basis is that every intending bidder is put on notice that the seller does not undertake responsibility in respect of the property offered for sale with regard to any liability for the payment of dues, like service charges, electricity dues for power connection, and taxes of the focal authorities: and*
 - j. In the exercise of the jurisdiction under Article 142 of the Constitution, the Electric Utilities have been directed in the facts of cases before us to waive the outstanding interest accrued on the principal dues from the date of application for supply of electricity by the auction purchasers”*
12. That while courts are governed by detailed statutory provisional rules in particular the code of civil procedure and evidence Act, requiring an elaborate procedure in decision making. Tribunals generally regulate there are procedure applying the provisions of the court of civil procedure only where it is required and without being restricted by the strict rules of Evidence Act.

Further the procedural rules which regulate the proceedings before the Tribunal and the power conferred on them in dealing with matters brought before them are something described as the trappings of a Court and in determining the question as to whether a particular body or authority is a Tribunal or not a tough and ready test is applied by requiring whether the said body or authority is clothed with the trappings of a court. The basic and essential condition which makes an authority or a body, a Tribunal is that it should be constituted by the State should be invested with the State's inherent judicial power distinguished from purely administrative or executive functions.

In view of the law laid down by the Hon'ble Supreme Court of India and the facts narrated above, appeal filed by the appellant is liable to be dismissed as the appellant has not deposited the outstanding dues of electricity consumption charges which are liable to be deposited by the appellant in the interest of justice.

- K.** The appellant vide email dated 29.04.2024 has submitted short reply/arguments to UHBVN rejoinder dated 28.04.2024, which is reproduced as under:

This short reply/arguments u/s O18 R2 (3A) of CPC mandatory to place on record and believe very much helpful to Hon'ble Court reach on Just decision.
With due respect to chair of LAW and JUSTICE

4. That this UHBVN rejoinder is as same before is primarily submissions, it is not a point was reply to appellant's appeal petition.
5. That it is crystal clear "No second thought" UHBVN utterly - morally failed to reply appellant's appeal petition submissions, it clearly says UHBVN accepted all submissions of appeal petition.
6. That UHBVN all submissions are not related to issue / matter below point 7.
7. In very brief issue is: UHBVN asking amount of electricity bills from me, which is not consumed by me. I am not occupier of my house of that time period, Solid, un-challenged, documented – Hon'ble court record "Decree Order" is evidence of these submissions.
8. That Further, I Sushil Kumar Mehta, here by in the court of Hon'ble Electricity Ombudsman in writing, sound mind and health to UHBVN its representatives present in this court of law and justice, "prove this > supplied electricity consumed – used by me "Sushil Mehta" I pay double amount of UHBVN demand.
9. As per law and Hon'ble supreme court Judgement order "occupier is consumer" I am not that time occupier consumer of my house.
10. That UHBVN accepted the mistake in previous submissions, page 2, para 3 electricity not disconnected in March – April 2013, UHBVN Morally, legally, as human, must not to ask me in any capacity. Further as good human without any further delay must restore my house electricity.
11. That further law is very clear "any person – any bill" therefore it must be disconnected and UHBVN must open lawful action as powered by law, in March April 2013. Not opened. It is accepted mistake of UHBVN. Be a live inner self /soul.... Crime never dies. UHBVN no ethical right to demand of single paisa from me. That all submissions of rejoinder are not related to issue... point 7.
12. Hon'ble court of OMBUSDMAN hereby prayed to order of restoration of electricity of my house immediately. Recovery of amount.....order to UHBVN for the needful as per law/ as powered by law, to whom UHBVN electricity sold /supplied, lock breaker –trespasser of my house and proceed as per UHBVN ethical policy.

13. Detail arguments narrated in my rejoinder cum argument of dated 31-3-24, already on record. Written arguments on record, will be read orally on 30-04-24.
 14. I hereby prayed to Hon'ble Ombudsman and all concerned to eye on a newspaper cutting of TOI, wherein Hon'ble court penalty Rs. 1 lac to "PSPCL" in almost similar matter, not fully- total similar, "PSPCL" harassed the aged person....
 15. In view of point 14, Hon'ble Ombudsman court hereby prayed may consider heavy penalty also, if thinks so deem fit, in view of un-ethical demand of UHBVN to me. Harassing me, since 2014, 10 years.... plus, age 70 year, for their own accepted mistake. Point 10 of this reply. Page 2, para 3 UHBVN submissions.
- L.** Hearing was held on 30.04.2024, as scheduled. Both the parties were present during the hearing through video conferencing. Both parties argued the matter at length reiterating their written submissions as mentioned above. The same are not reproduced for sake of brevity.
- M.** The appellant has prayed to declare the CGRF order dated 29.12.2023 null and void and pass the fresh decision order as per law, regulations etc., for restoration of his house/premises Electricity.
- N.** The appellant submitted that his house was trespassed by lock break opening in year 2006, by a criminal nature younger brother, with the help of his father in law, who was retired from Haryana, Panchkula Police. In decree execution his said house evicted on dated 15.09.2014, by court order in due process of law. As per record of UHBVN, till March 2013 he – trespasser paid the bills, after that he stopped, not paid any bills till eviction: 15.09.2014. When he approached UHBVN for restoration of supply, he was asked to deposit the pending amount of about RS. 20,000/-. Since the supply was not consumed by him, the house was trespassed, trespasser was the occupier-circumstantial consumer of supplied electricity, logically UHBVN need to recover the amount from him. The supply must have been disconnected after not paid bill. In year 2018, he approached the RTS Commissioner, who ordered to UHBVN officials "order as per law", restore my house electricity, but UHBVN official did not bother. His house Electricity is not restored as per law. Had the connection been disconnected on first default, the bill would not have accumulated. He requested

to restore his supply and to recover defaulting from the trespasser who used the supply at that time.

- O.** The respondent SDO submitted that the issue pertains to disconnection of the electricity on account of failure of the deposit of electricity consumption charges. The appellant admittedly instituted the civil suit no. 265 of 2007 for eviction, however, the appellant never informed to the Nigam about any such suit or applied to Nigam for any disconnection of supply of electricity in the said premises. Further, the appellant failed to inform the Nigam about recovery of dues from some other person than the appellant. The appellant has applied for re-connection/restoration of the supply of electricity and the respondent/Nigam is within its power and duty under Regulation 10.2.2 of the Electricity Supply Code, 2014 to demand the electricity charges and other charges due to the appellant before the restoration of the connection. The appellant by the proceedings before the CGRF as well as in this appeal is trying to execute the decree of the civil suit No. 265 of 2007 dated 28.11.2007 against the Nigam despite the fact that the appellant for the reasons best known to him did not implead the Nigam in the said civil suit and the issue before the civil court is not relates to the recovery of the outstanding dues and therefore, even if some facts qua the said decree has been mentioned by the appellant, the same are not relates to the Nigam as the Nigam was not the party before the Civil Court. The allegations in the written submissions submitted by the appellant are malicious. At the time of release of connection, consumer gives consent to pay the energy charges which liable to be paid for connection installed in the premises.
- P.** After going through written as well as oral averments made by both the parties and record placed on the file, it is observed that electricity connection was released by the respondent in the name of the appellant long back. Reportedly, the house of the appellant was occupied by his younger brother illegally in year 2006 and evicted on 15.09.2014 by the court order. The connection was disconnected on defaulting amount. The appellant pleaded that the respondent should release electricity connection with out deposit of defaulting amount which is about Rs. 22171/-, whereas the respondent SDO argued that no request or intimation has been received regarding the disconnection of the supply or trespassing of the house and the court case referred in reply of the appellant is regarding eviction of the premises not recovery of the defaulting amount. Moreover, the Nigam was not a party in the case. Further, the respondent SDO submitted that Section 56 of the Electricity Act, 2003 is regarding non-recovery

of any amount shown in the bill after 2 years but in the instant case the defaulting amount is regularly shown in the bill. In case no request has been made on the behalf of the consumer for disconnection of supply, it does not absolve or give freedom to the consumer for nonpayment of energy bill on account of negligence of any official of the department

As per A&A form also, the appellant is the lawful owner of the premises is liable to pay the bill.

- Q.** As per provisions of Regulation 4.4.1(5) of the HERC (Electricity Supply Code) Regulations, 2014, the application for new connection must be inter alia accompanied with the no dues certificate or in absence undertaking to pay outstanding dues of the previous owner. The said regulation reads as under:

“4.4.1 Application for new connection

(5) Application form for new connection must be accompanied with a photograph of the applicant, identity proof of the applicant, proof of applicant’s ownership or legal occupancy over the premises for which new connection is being sought, proof of applicant’s current address and the no dues certificate mentioned in Regulation 4.3.1 or in its absence undertaking to pay outstanding dues of the previous owner and in specific cases, certain other documents as detailed in Regulations 4.4.1 (7) to 4.4.1 (11).”

- R.** The Regulation 10.2.2 of the HERC (Electricity Supply Code) Regulations, 2014, provides that if any service is disconnected on account of non-payment of electricity charges or any other charges due to Licensee, the consumer shall pay all such charges before reconnection.

- S.** Further, the Hon'ble Supreme Court of India in the case titled as K.C. Ninan Versus Kerala State Electricity Board and others reported as 2023 (3) RCR (Civil) 227 has upheld as under: -

“328. The conclusions are summarised below:

- a. *The duty to supply electricity under Section 43 of the 2003 Act is not absolute, and is subject to the such charges and compliances stipulated by the Electric Utilities as part of the application for supply of electricity;*
- b. *The duty to supply electricity under Section 43 is with respect to the owner occupier of the premises. The 2003 Act contemplates a synergy between the consumer and premises. Under Section 43, when electricity is supplied, the owner or occupier becomes a consumer only with respect to those particular premises for which electricity is sought and provided by the Electric Utilities;*
- c. *For an application to be considered as a ‘reconnection’, the applicant has to seek supply of electricity with respect to the same premises for which*

electricity was already provided. Even if the consumer lo the same, but the premises are different it will he considered as a fresh connection and not a reconnection;

- d. A condition of supply enacted under Section 49 at the 1948 Act requiring the new owner of the premises to clear the electricity arrears of the previous owner as a precondition to availing electricity supply wilt have a statutory character;*
- e. The scope of the regulatory powers of the State Commission under Section 50 of the 2003 Act is wide enough to stipulate conditions for recovery of electricity arrears of previous owners from new or subsequent owners;*
- f. The Electricity Supply Code providing for recoupment of electricity dues of a previous consumer from a new owner have a reasonable nexus with the objects of the 2003 Act;*
- g. The rule making power contained under Section 181 read with Section 50 of the 2003 Act is wide enough to enable the regulatory commission to provide for a statutory charge in the absence of a provision in the plenary statute providing for creation of such a charge;*
- h. The power to initiate recovery proceedings by filing a suit against the defaulting consumer is dependent of the power to disconnect electrical supply as a means of recovery under Section 56 of the 2003 Act;*
- i. The implication of the expression "as is where is" basis is that every intending bidder is put on notice that the seller does not undertake responsibility in respect of the property offered for sale with regard to any liability for the payment of dues, like service charges, electricity dues for power connection, and taxes of the focal authorities: and*
- j. In the exercise of the jurisdiction under Article 142 of the Constitution. the Electric Utilities have been directed in the facts of cases before us to waive the outstanding interest accrued on the principal dues from the date of application for supply of electricity by the auction purchasers”*

T. The Corporate Forum vide order dated 29.12.2023 decided the matter. The operative part of the decision is as under:

After examining the reply of the Respondent SDO, the record available on the file and hearing both the parties, the Forum has observed that a connection bearing account no. 4427590000 in the name of Sh. Sushil Kumar under domestic category had been released by UHBVN. It is very old connection and as per record consumer had extended his load in Nov. 1999 to 4.3 KW. The billing of the said connection was done under NELLT and HARTRON Agency up to period of 09/2014 and connection got disconnected in 2011 before coming in the HCL system in the year 2015. The said connection was regularly in the name of Sh. Sushil Kumar and as on today an amount of Rs. 22171/-is outstanding along with all surcharges.

As is also evident from the version submitted by the complainant, it has been stated that there was dispute of his house but the consumer had not given any representation to disconnect the connection. Moreover, as per the record submitted no Hon'ble court had directed to recover the defaulting amount from the concerned person who had entered into his house forcibly or with the reasons best known to the complainant. After going through whole the record and taking into

consideration the pleadings made by the complainant, the Forum considers the premises as defaulting and the owner or the name on which connection is running is liable to pay the amount outstanding against the said premises So far as reference of Article 56 of the Electricity Act is concerned, as stated by the consumer, the amount outstanding against the consumer is of the consumption consumed by the consumer which is in the name of the complainant as per record. Hence the same becomes chargeable from him.

As per report submitted by the SDO Respondent, at this stage it is not possible to ascertain the exact reason for non-disconnection of supply being period very old Thus, the Forum directs SDO/Respondent to charge the outstanding dues from the owner of the premises where the electricity was consumed and bill stands raised against factual reading recorded on the meter. However, many other points mentioned in the complaint have no relevancy with the grievance of the case hence the same are not treated worth for consideration. The reply of SDO/Respondent was found in order.

Therefore, the case is disposed of without cost to either of the parties.

- U.** It is pertinent to observe that the Court judgments cited in submissions made by the appellant do not possess direct pertinence to the issue presently under consideration. The matter at issue pertains to an outstanding balance on an electricity connection, which is registered under the name of the appellant. It is explicitly stipulated that the individual in whose name the connection is registered is solely responsible for the settlement of all accumulated dues.
- V.** In view of the foregoing facts and discussions, it is observed that the connection was running in the name of the appellant and during the period of dispute of house, the appellant never approached to the respondent SDO for disconnection of supply or to intimate that supply is being used by third person. Therefore, the appellant is liable to pay the amount outstanding against the said premises where connection was running in the name of the appellant. Further, after going through the Corporate Forum decision dated 29.12.2023, it is found in order and upheld.
- W.** The appeal is disposed of accordingly in above terms.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 2nd May, 2024.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 2nd May, 2024

CC-

Memo. No. 334-40/HERC/EO/Appeal No. 5/2024

Dated: 02.05.2024

1. Shri Sushil Mehta, House No. 864, Sector-12, Panchkula.
2. The Managing Director, UHBVN, IP No.: 3&4, Sector-14, Panchkula.

3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula.
4. The Chief Engineer (Operation), IP No.: 3&4, Sector-14, Panchkula.
5. The SE (Operation), Panchkula, SCO 89, Sector-5, Panchkula.
6. The Executive Engineer (Operation), UHBVN, Panchkula, Flat No-517 & 518, Power colony, Industrial Area Phase-2, Panchkula.
7. The SDO (Operation), Sub-Urban, Sub Division, UHBVN, Panchkula, 66 KV, Sub-station, Power Colony, Industrial Area, Phase-2, Panchkula.

Appeal No. 5/2024/EO