

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT
PANCHKULA**

Case No. HERC PRO 07 of 2020

**Date of Hearing: - 31.01.2020
Date of Order :- 31.01.2020**

In the Matter of

Application under Section 50 and 142 of the Electricity Act, 2003 for restoring, releasing the electricity connection of the appellant in accordance with the order dated October 4th of 2019 passed by the Hon'ble Ombudsman in Appeal No 24 of 2019.

Petitioner

Shri Tejveer Singh Rana S/o Gulab Singh,
Village Golni, Tehsil Jagadhari

V/s

Respondents

The Chairman-cum-Managing Director, Uttar Haryana Bijli Vitran Nigam,	Respondent-1
The Chief Engineer "OP" UHBVNL, Sector-5 Panchkula	Respondent-2
The Superintending Engineer "OP" Circle, UHBVNL, Ambala-133001	Respondent-3
The Executive Engineer "OP" City Division, UHBVNL, Yamuna Nagar	Respondent-4
The SDO/OP., Sub-Division UHBVNL, Mustafabad, Yamuna Nagar	Respondent-5

Present: -

On Behalf of Petitioner:- Shri Tejbir Rana, Petitioner

On Behalf of Respondents:-

Shri Pradeep Kumar, XEN, Works O/o, CE/OP
Shri Sukhbir Singh, XEN, COP Yamuna Nagar
Shri Vikas Bansal, SDO, "OP" Mustafabad,

QUORUM

**Shri Pravindra Singh, Member
Shri Naresh Sardana, Member**

Order

1) **Brief Background of the Case**

- 1.1. The applicant Sh. Tejbir is running a medical store at village Hasanpur, near Railway station Tajpur, Jagadhary, District- Yamunangar and was having an electric connection in the said premises since 2016. On dated 24.07.2019 his connection was disconnected by the Respondent SDO in compliance of the CGRF, UHBVNL, Kurukshetra order dated 30.05.2019 although the applicant was not a party in the case before CGRF. The said connection was disconnected on the plea that the land in question belong to third person. The applicant is in possession of the premises since long and is in litigation with Sh. Mukesh Kumar regarding ownership dispute in case no. CS-1136-2018 title Mukesh Kumar Vs. Tejbir Singh in the court of JMIC /CJJD/RC/Jagadhri. Decision is pending in said court.
- 1.2. The applicant filed appeal before the Electricity Ombudsman wherein request was made to direct the Respondent's to reconnect the electricity connection of the applicant. Electricity ombudsman dispose off the said appeal giving the direction that applicant may apply for fresh connection on submitting legitimate proof of ownership and/or necessary documents to Respondent before release of connection. The applicant submitted the requisite documents along with Indemnity bond for releasing the connection in line with the direction of the Electricity Ombudsman. However, the Respondent, SDO has failed to comply with the directions of the Electricity Ombudsman.
- 1.3. The applicant has prayed that an appropriate order be passed directing the Respondent SDO to restore / release the electric connection in the said premise as per the direction of the Electricity Ombudsman and as per the documents submitted by the applicant and to pass further any such direction as the Hon'ble Commission may deemed fit.
- 1.4. In view of above, the Petitioners have prayed as follows:

“

- a) *Pass an appropriate order directing the SDO/ OP Div., Mustafabad, District Yamuna Nagar to restore/ release the electricity connection of the applicant in line with directions of the Hon'ble Ombudsman, and as per the documents submitted by the applicant; and*
- b) *Pass any such other or further directions as this Hon'ble Commission may deem fit and proper. ”*

2) **Commission's Analysis and Order:-**

- 3.1 The matter was heard on 31/01/2020, as scheduled. Sh. Tejbir Singh, the Petitioner appeared before Commission and reiterated the submissions made in his petition. He further informed that the electric connection of light load of 1(one) KW was running since 2016 in his medical store and there was no default in the payment of electricity dues as the payment was being made regularly. However, the connection was disconnected by SDO due to the property dispute which is pending before the Civil Judge, Jagadhri. The applicant appealed to Electricity Ombudsman, Panchkula to get the justice in the matter and Electricity Ombudsman vide his Order dated 27.09.2019 decided “Sh. Tejbir Singh Rana may seek the electricity connection afresh from the Respondent if he has legal proof of ownership and/providing necessary documents required for releasing the connection.” The petitioner argued that the Order of the Electricity Ombudsman has not been complied by the Respondent SDO inspite of submission of requisite documents by the applicant to his office.

3.2 Further, the Petitioner brought in the notice of the commission UHBVN Sales Circular No. U-32/2017 dated 23.08.2017 regarding release of electricity connections in un-authorized colonies/slums. The relevant part of the circular reproduced as under:

“7. An affidavit (Annex-II) as well as indemnity bond (Annex-III) shall be taken from each of such consumer stating clearly that he shall be liable for any legal action relating to the said premises by the department/agency concerned, namely, Local Bodies Department or Town and Country Planning Department or Panchayat Department or any other legal/ competent authority as the case may be.

8. The applicant is required to submit an identity proof (Driving License, PAN No., Aadhar Card, Voter ID Card, Ration Card, Passport, Bank Passbook, etc).

9. All the electricity bills of such consumers will have a detailed disclaimer clearly stating that “The release of power connection and collection of bills does not confer upon the consumer concerned any occupation or ownership rights on the property where the meter is installed and that he/she is simply making payment for the electricity actually consumed by him/her and nothing more”.”

3.3 Keeping in view of the intent of ibid sales circular and having heard both parties, the Commission observes that though, there is a dispute of ownership of the property which is pending before the appropriate court, yet there was no cause for disconnection the supply as there has been no default in the payment of charges of electricity and that too of very small light load of 1(one) KW for the Petitioner’ shop. The applicant can not to be deprived of the electricity for small light load which is an essential requirement for the consumer provided, he does not default in payment of electricity charges. Hence, the commission is of considered view that small general service connection of one KW be released on submission of Indemnity Bond within week time after issue of this order subject to outcome of Civil Suit in the Law of the court. The petition is disposed off, accordingly.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 31.01.2020.

Date: 31.01.2020

(Naresh Sardana)

(Pravindra Singh)

Place: Panchkula

Member

Member