



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Haryana Electricity Regulatory Commission

Bays No. 33 - 36, Sector – 4, Panchkula-134109

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(Regd. Post)

Appeal No. : 28/2018  
Received on : 14.12.2018  
Registered on : 17.12.2018  
Date of hearing : 08.12.2018  
Date of Order : 01.02.2019

In the matter of:-

Appeal against the order of the CGRF, UHBVNL, Kurukshetra in case no. 52 of of 2018 dated 14.11.2018.

Smt. Raj Rani W/o Sh. Mohan Singh, H.No. 991, Sector 12-A, Panchkula.

Appellant / Complainant

Versus

UHBVNL

Respondents

Before:

Smt. Surbhi Jain, Electricity Ombudsman

Present on behalf of Appellant

Sh. Mohan Singh H/o Smt. Raj Rani

Present on behalf of Respondents

Sh. Anil Kumar, SDO/Op., Sub Urban, Pehowa

**ORDER**

Smt. Raj Rani W/o Sh. Mohan Singh, H.No. 991, Sector 12-A, Panchkula has filed an appeal against the order of CGRF, Kurukshetra dated 14.11.2018 in Case No. 52 of 2018. Brief Submissions of the case are as under: -

The complainant, in her complaint to the CGRF had pleaded: -

1. That Smt. Dharam kaur W/o Sh. Baldev Singh, Smt. Raj Rani W/o Sh. Mohan Singh, Smt. Joginder Kaur, W/o Sh. Gyan Singh and Smt. Mohinder Kaur (Deceased) W/o Sh. Sohan Singh R/o Village Devi Dass Pura Distt.

Kurukshetra have purchased 24 Acres, 3 Kanal 16 Marla Agriculture land having vasika No. 2481/1 dated 27.9.2006 from Sh. Gurvinder Singh S/o Sh. Lakhbir Singh R/o village Sandholi

2. That Smt. Dharam Kaur W/o Sh. Baldev Singh, Smt. Raj Rani, W/o Sh. Mohan Singh, Smt. Joginder Kaur W/o Sh. Gyan Singh and Smt. Mohinder Kaur (Deceased) all have been shown equal partners in the Jamabandi for the year 2011-12
3. That as per the report dated 2.1.2017 of Halka all have been shown as equal partners in Khewat No.180
4. The SDO / Op Sub Urban Sub Division UHBVN, Pehowa, vide his Memo No. 515 dated 18.4.2017 agreed that the said property is joint property and written that the NOC is required from all partners before releasing the connection.
5. Smt. Mohinder Kaur applied for new T/w connection in Kila No. 35/1 she is not the owner of that kila and in this Kila all the four partners i.e. Smt. Dharam Kaur W/o Sh. Baldev Singh, Smt. Raj Rani W/o Sh. Mohan Singh, Smt. Joginder Kaur W/o Sh. Gyan Singh and Smt. Mohinder Kaur, (Deceased) are equal partners.
6. That the SDO / Op Sub Urban Sub Division, Pehowa has released the connection having A/c No.SI-523 without obtaining NOC from remaining partners.
7. Smt. Dharam Kaur W/o Sh. Baldev Singh has presented a false/ bogus affidavit to SDO stating that a T/w connection A/c no S1-505 is installed in the Mauja of village Sandhali and that land has been sold to Smt. Dharam Kaur W/o Sh. Baldev Singh s/o Sh Chhaju Ram village Devi Dass Pura.
8. A) A report has been sought from Sub Registrar, Pehowa Whether Sh. Gurwinder Singh S/o Sh. Lakhbir Singh R/o 2268, C-Block, Amrtisar Punjab has sold the land to Smt. Dharam kaur W/o Sh. Baldev Singh Village Devi Dass Pura on 22.9.2006 in which the said tubewell is installed.  
B) Sub Registrar, Pehowa vide his office Memo No. 59/RC dated 8.5.2017 stated that there is no registered document available in his office regarding the sale of said property from Sh. Gurwinder Singh S/o Sh. Lakhbir Singh R/o 2268, C-Block, Amritsar Punjab

9. As per sales circular No. 87/2001 priority can be given to disabled /handicapped person for new connection for pumping set cases.
10. Recently, my husband Sh. Mohan Singh has taken a new tubewell connection under Tatkal Scheme in mushtarka land after taking NOC from co-owners Sh. Baldev Singh, Sh. Sohan Singh and Sh. Gyan Singh from (op.) Sub Division Ajrana Kalan.

The SDO / Op Sub Division, Pehow has released the connection illegally. The land is still in the joint partnership. This matter can be investigated through vigilance and strict action should be taken against the delinquent officials / officers.

It is requested that the connection No. S1-523 released to Smt. Mohinder Kaur W/o Sh. Sohan Singh should be disconnected and strict action be taken against the delinquent officials / officers.

The Complaint was received in the office of the Forum on dated 25.5.2018. The Forum considered the facts and found the petition feasible for acceptance and the same was admitted. Accordingly, the respondent was asked to submit his version / reply duly supported with attested affidavit from Notary / Oath Commissioner.

The respondent SDO in his reply had submitted that: -

*In this connection it is intimated that Smt. Mohinder Kaur W/o Sh. Mohan Singh has applied T/W (AP) connection vide application No. 50567 dated 19.12.2012 and the AP connection having account no.S1-523 is released vide SCO No. 84/1440 on dated 19.10.2013*

*It is pertinent to mention here that the HERC Supply Code Regulations-2014 provides that for release the agriculture connection a copy of Khasra girdawari / jamabandi in the name of applicant is required. Further, the applicant has not submitted that requisite documents required connection at that time and the connection is released without fulfilling the documents*

*required for release of connection. There are four numbers co-owners of the land namely Smt. Dharam kaur W/o Sh. Baldev Singh, Smt. Joginder Kaur W/o Sh. Gyan Singh, Smt. Mohinder Kaur W/o Sh. Sohan Singh and Smt. Raj Rani W/o Sh. Sohan Singh. The agriculture connection is released in the name of Smt. Mohinder Kaur, W/o Sh. Mohan Singh without taking NOC from the co-owners on the basis of humanity as Smt. Mohinder Kaur is 100% physically handicapped.*

The CGRF, in its order dated 14.11.2018 in case no. 52/2018 has held as under:-

**After going through the documents available on record and keeping in view the various proceeding the Forum has arrived at the decision that the tube well connection to Smt. Mohinder Kaur W/o Sh. Sohan Singh has been released without obtaining NOC from the other co-owners of the land. As such, the Forum has decided that the CGM/Admn & CE/OP, UHBVN Panchkula may take appropriate action against the delinquent officer/official at fault who has released the connection in violation of the instructions of the Nigam.**

Upon receiving the order of the CGRF, the appellant, Smt Raj Rani, w/o Sh Mohan Singh, has filed an appeal against the above order of the CGRF stating that till such time NOC of co- owners of the land on which the tubewell connection no. S1- 523 is situated is not provided by Smt. Mohinder Kaur W/o Baldev Singh, the tubewell connection may be disconnected and appropriate action may be taken against officers of the Nigam responsible for release of the T/w connection.

**Order/observation:-**

On perusal of the order of the CGRF, it is observed that CGRF, on examination of record and affidavit filed by the concerned SDO, has already held that the connection has been released to Smt. Mahinder kaur W/o Sh. Baldev Singh Account No. SI-523 without obtaining NOC from other co-owners of the land and is in violation of the instruction of the Nigam and

therefore the order passed by the Consumer Grievances Redressal Forum are upheld and the appeal is disposed off accordingly.

Further, regarding the completion of documents i.e. No Objection Certificates from the co-owners of the land, the SDO concerned is directed to ensure that the connection holder/consumer of the account no. SI-523, Smt. Mohinder Kaur W/o Sh. Baldev Singh/ or her legal heirs complete all documentation including no objection certificate (NOC) from co-owners of the land within a period of one month from the date of this order. In case of failure on her/ their part to do so, appropriate action as per Nigam instruction may be taken immediately. Compliance be reported accordingly.

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

Given under my hand on this day of 1<sup>st</sup> day of February, 2019.

**Dated: 01<sup>st</sup> February, 2019** **(Surbhi Jain)**  
**Electricity Ombudsman, Haryana**

**Endst. No. HERC/EO/Appeal No.28/2018/4598-4604** **Dated: - 12.2.2019**

A copy of the above is forwarded to the following:

1. The Managing Director, UHBVNL, Vidyut Sadan, Sector - 6, Panchkula.
2. The Legal Remembrancer, HVPNL Shakti Bhawan, Sector – 6, Panchkula.
3. The Chief Engineer 'Op.' Circle, UHBVNL, SCO 89, Sector – 5, Panchkula.
4. The Chairman, CGRF, UHBVNL, 33KV Power House Complex, Near NIT, Kurukshetra alongwith case file.
5. The SE, 'Op' Circle, UHBVNL, Kirmich Road, NIT, Kurukshetra.
6. The Executive Engineer, Op. Division, UHBVNL, 220 kV Sub Station, Dhand Road, Tehsil Pehowa, Distt. Kurukshetra.
7. The SDO, Operation Sub Urban Sub Division, UHBVN, Pehowa.
8. Smt. Raj Rani W/o Sh. Mohan Singh, House No. 991, Sector-12-A, Panchkula.

## CORRIGENDUM

Corrigendum to the order of the Electricity Ombudsman, Haryana dated 01.02.2019 in appeal No. 28/2018, it has come to the notice that there has been an inadvertent error while mentioning the name of one of the stake holder in the above said appeal. Accordingly, the names Smt. Mohinder Kaur W/o Sh. Mohan Singh & Smt. Mohinder Kaur W/o Sh. Baldev Singh may be read as Smt. Mohinder Kaur W/o Sh. Sohan Singh at page No. 04 of the order.

Sd/-  
Electricity Ombudsman  
Haryana

**Endst. No. HERC/EO/Appeal No.28/2018/4701-08**

**Dated: - 21.02.2019**

A copy of the above is forwarded to the following:

1. The Managing Director, UHBVNL, Vidyut Sadan, Sector - 6, Panchkula.
2. The Legal Remembrancer, HVPNL Shakti Bhawan, Sector – 6, Panchkula.
3. The Chief Engineer 'Op.' Circle, UHBVNL, SCO 89, Sector – 5, Panchkula.
4. The Chairman, CGRF, UHBVNL, 33KV Power House Complex, Near NIT, Kurukshetra alongwith case file.
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7. The SDO, Operation Sub Urban Sub Division, UHBVN, Pehowa.
8. Smt. Raj Rani W/o Sh. Mohan Singh, House No. 991, Sector-12-A, Panchkula.