



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. : 05/2022
Received on : 09.02.2022
Registered on : 14.02.2022
Date of order : 30.03.2022

In the matter of: -

Appeal against the order dated 7.12.2021 passed by CGRF, UHBVN, Kurukshetra in case No.192/2021.

Smt. Veena Devi, Widow of Sh. Hemraj, r/o H.No. 653/11, Rajiv Colony, Panipat.

Appellant/Complainant

Versus

UHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Nishant S/o Smt. Veena Devi

Present on behalf of Respondents:

Sh. Vinod Kumar Goel, The Executive Engineer 'Op.' City Division, Panipat

Sh. Anil Kumar, SDO (OP), City Sub Division, Panipat

ORDER

1. Smt. Veena Devi, Widow of Sh. Hemraj, r/o H.No. 653/11, Rajiv Colony, Panipat has filed an Appeal against the order dated 7.12.2021 passed by CGRF, UHBVN, Kurukshetra in case No.192/2021. The Appellant submitted as under: -

- 1.1 That the appellant is an old, widow, illiterate lady who does not know implications of law. The present appeal has been prepared in accordance to the facts dictated by her in Hindi language and all of them have been avowed in English language for the convenience of the Hon'ble commission.

1.2 That the ld. Forum has wrongly interpreted the complaint dt. 17.11.2021 filed by the appellant, further lead it by passing of impugned order dated 07.12.2021 which is completely against the law and facts proved on file.

1.3 That the brief FACTS of the complaint dated 17.11.2021 is as under: -

यह कि प्रार्थीया वीना विधवा श्री हेम राम निवासी राजीव कॉलोनी, पानीपत की रहने वाली है जो कि एक वृद्ध व अनपढ़ औरत है। प्रार्थीया ने घरेलू इस्तेमाल हेतु दो बिजली कनेक्शन नं.3045432529 व दुसरा नं.0329340000 सब डिविजन, किला पानीपत से लिया हुआ है व लगातार उक्त कनेक्शन के बिल का भुगतान सम्बन्धित विभाग को अदा करती आ रही है। आपके विभाग के उक्त कर्मचारी प्रार्थीया को गुमराह करने, दबाव बनाकर पैसे ऐंठने व प्रार्थीया के नाम से गलत दस्तावेज तैयार करके परेशान किया जा रहा है। दिनांक 09.07.2021 को सांय के करीब 6:45 बजे दोषी नं.1 राजेश कुमार व दोषी नं.2 राकेश कुमार प्रार्थीया को बिना बताये व उसकी गैर हाजरी में उक्त मकान में लगे मीटर कनेक्शन की जांच करने आ पहुंचे और जब प्रार्थीया के परिजन ने इस पर ऐतराज किया कि घर में कोई पुरुष व्यक्ति उपस्थित ना है व कृप्या आप पुरुष व्यक्ति की हाजरी में ही अपनी जांच करें लेकिन दोषीगण ने एक ना सुनी और प्रार्थीया के परिजन के साथ बदतमीज कर बिजली चोरी करने के झुठे केस में फसाने की धमकी देने लगे व मौके पर झगडा कर उक्त दोषीगण ने फर्जी दरखास्त के आधार पर एक एल.एल.-1 चैकिंग रिपोर्ट सिरियल नं.35 बूक नं. 6734 दिनांक 09.07.2021 काट दी। यह कि दिनांक 17.07.2021 को दोपहर समय करीब 2:30 बजे को उक्त दोषीगण नं.3 व 4 प्रार्थीया की गैर हाजरी में उक्त मकान पर आ पहुंचे और प्रार्थीया के बिजली मीटर नं.81434198 (कनेक्शन नं.3045432529) को बदलकर नया मीटर जी.पी.-7950546 व बिजली मीटर नं.61335445 (कनेक्शन नं.0329340000) को बदलकर नया मीटर नं.जी.पी.7950549 लगा गये। यह कि उक्त प्रतिस्थापना कार्यवाही हेतु उक्त दोषीगण ने ना तो प्रार्थीया व उसके किसी परिजन को सूचित किया, ना ही प्रार्थीया व उसके किसी परिजन को पुराने या नये मीटर सम्बन्धित कोई जानकारी दी और दोषीगण ने आपस में मिलीभगत करके दो स्मार्ट मीटरिंग-1 मीटर प्रतिस्थापना रसीद नं.356 बुक नं.8 दिनांक 17.07.2021 व नं.357 बुक नं.8 दिनांक 17.07.2021 समय करीब 2:40 पी.एम. पर प्रार्थीया के फर्जी हस्ताक्षर कर व फर्जी मोबाईल नं.9728652550 लिखकर जारी कर दी। जिससे साबित होता है कि दोषीगण ने जानबुझकर प्रार्थीया से पैसे हडपने व परेशान करने की नियत से ऐसा किया है जो कि सरासर गलत है, निराधार व गैर कानूनी है।

GROUND OF APPEAL: -

- That the order of the Ld. Forum is totally vicious as it is based upon conjectures and surmises.
- That the facts mentioned and evidences produced by the appellant before forum, are highly reliable and can be relied upon to direct legal action against the wrong doers. Rather in contrary to it, the Ld. Forum has failed in appreciating the same being predetermined for dismissal.
- The impugned order is based upon numerous infirmities like:-

In the first para itself ld. Forum has wrongly interpreted the complaint filed by the appellant as change of meter illegally in fact the complaint filed by the complainant is with regard to harassment, misleading, misbehaving, negligence caused by Rajesh Raheja J.E., Rakesh Kumar, L.M. (UHBVN, panipat) during unauthorized inspection done after the office hours that too without informing the appellant and documents forged by Mohit (UHBVN, panipat) & Naveen of L&T company while changing appellant's meters that too without informing.

Despite of the fact that in reply respondent no. 2 duly admitted that said officials had visited the premises of complainant/appellant on 09.07.2021, but the ld. Forum over looked the version of said officials in video dated: 09.07.2021 that they do not possess any authority letter/order to inspect the premises after office hours.

Moreover, the high pitch used by said official and crowd gathered behind is enough to illustrate his behavior/conduct with their consumer and humiliation made to them.

- Further the respondent no. 2 also played bluff before the forum by submitting a frivolous version in their reply i.e. "it is further added that both meters were existing on the wall of the house at the outer side that's why no question arise like fake signature on acknowledgement" and on similar footing the ld. Forum just ignored the same being predetermined.
- Further in the last lines of the order the ld. Forum discussed about contentions with regard to complainant's fake signature on the MCO receipt issued by the L&T company that "L&T supervisor Sh. Sachin present during the proceedings informed that the signatures might have been appended by tenants of the complainant", but the ld forum failed in considering that neither such tenant was made to appear before them, nor its name has been disclosed nor said official was asked about the mobile no. 9728652550 nor enquire about why those officials didn't made any objection when so called tenant was appending signatures in complainant's name etc. which clearly shows that all such act have been done by them in absence of the complainant and they have been conspired with each other to forged complainant's signature on MCO receipt.

Moreover, by placing its reliance over such a version, the ld forum and the L&T company, both have been encouraging acts of forging.

It is pertinent to mention here that the appellant is an illiterate lady, who does not know to put her signatures in either language.

- That there are many other arguable points which will be referred to at the time of arguments.

1.4 That there are other arguable points on law and facts which if appreciated would go to the roots of the case and will point towards the harassment, misleading, misbehaving, negligence caused by Rajesh Raheja J.E., Rakesh Kumar, L.M. (UHBVN, Panipat) and Mohit (UHBVN, Panipat) & Naveen of L&T company for forging with records/documents. Hence this appeal.

1.5 That the appeal is well within time. It is, therefore, prayed that the impugned order of the Forum be kindly set aside and direction for legal as well as disciplinary action against the Rajesh Raheja JE, Rakesh Kumar, L.M., Mohit

(all working in UHBVNL, Panipat) and concerned official of L& T company namely Naveen be passed.

2. The appeal was registered on 14.02.2022 as an appeal No. 05/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 15.02.2022 for hearing the matter on 10.03.2022.
3. The hearing was held on 10.03.2022, as scheduled. At the outset it is observed that no reply has been submitted by the respondents. When asked the respondent SDO submitted that the same would be submitted shortly. The respondent SDO is directed to submitted the para wise reply within seven days with a copy to the appellant. The matter was adjourned to 30.03.2022.
4. SDO (OP), City Sub Division, Panipat vide his email on 29.03.2022 (vide Memo. No. 4912 dated 29.03.2022) has submitted reply which is as under: -

In this regard, it is submitted that the complainant has made complaint about forcefully replacement in two nos. existing meters installed in the premises of complainant with new smart meter having A/c No.3045432529 and 0329340000 in the name of Smt. Veena Rani whose para-wise reply is as under: -

Reply of Para 1: -It is a matter of record

Reply of Para II: -As per record there are two nos. connections having A/c No. 3045432529 (NDS) and 0329340000 (DS) in the name of Smt. Veena Rani are running under this office jurisdiction.

Reply of Para No. 3 & 4: -It is wrong and denied that any official of the Nigam threatened / mis guide to complainant. It is agreed that the officials Sh. Rajesh Raheja, JE along with Sh. Rakesh Kumar, LM was visited the premises on dated 9.7.2021 being to furnish the reply of CM Window complaint (Comp. No.CMOFF/N/2021/002578) made by Smt. Visvendu (neighbor of the complainant) in which the CM Window complainant alleged that H.No. 406/10, 405/10, 232/10 are stealing electricity since a long time that's why the official of the Nigam visited the premises of the complainant Smt. Veena Rani on dated 09.07.2021 to check the working of the meter vide LL1 No. 35/6734. It is further added that during checking the premises by the officials nothing is found like stealing of electricity as well as no any complaint made by the complainant about misbehaving / threatening by any officials on that day.

Reply of Para No.5: - It is agreed that the existing both meters were replaced with new smart meters by L&T team with directions given by U/ signed, being to avoid like litigations arise through repeated complaint by the neighbor of the complainant. It is further added that both meters were existing on the wall of the house at outer side. As the reply given by Sh. Sachin in charge of L&T team Panipat that as per verbal communication received from concerned JE area in-charge, old meters of account no. 0329340000 and 3045432529 were replaced by our field team. After replacement of old meters, the sealing slip was received (by signing the copy) by the person who was available on premises at that time. So, there is no question arise like fake signature on acknowledgement.

So, it is clear that no official seems faulty to perform his duties. Hence the complaint may be disposed off.

5. The hearing was held on 30.03.2022, as scheduled. Both the parties were present during hearing through video conferencing. Sh. Nishant argued that the L & T team visited their house after office hour and that too without prior intimation. The report prepared by L&T team does not have the signature of his mother nor does any other family member, although, she was available in the house at that time.
6. Per contra the respondent SDO submitted that on the direction of JE area in charge, the L&T team Panipat visited the premises of the appellant at 18:30 hours i.e. in day light and replaced two existing meters with smart meters. After replacement of the meters, the sealing slip was signed by the person available there at the time of checking. Therefore, there is no fake signature on the acknowledgement.
7. In view of the above, it is observed that Nigam is installing smart meters in Panipat city in phase manner and the complaint against the appellant with reference to stealing electricity energy were being made to the respondent SDO. Therefore, the meters of the appellant have been replaced with smart meters on priority to avoid litigations. Therefore, Nigam and L&T performed their duty. Since no irregularity is observed in replacement of the meters, so it is immaterial who signed the checking report.
8. The instant appeal is disposed off, in above terms.

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

Given under my hand on 30th March, 2022.

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: - 30th March, 2022

CC-

Memo. No. HERC/EO/Appeal No.05/2022/

Dated: -

1. Smt. Veena Devi, Widow of Sh. Hemraj, r/o H.No. 653/11, Rajiv Colony, Panipat.
2. The Managing Director, UHBVN, Vidyut Sadan, C-16, Sector – 6, Panchkula – 134109.
3. The Chief Engineer ‘Op’, UHBVN, SCO 89, Sector-5, Panchkula.
4. The Superintending Engineer ‘Op’ Circle, 132 KV Sub Station, Gohana, Road Panipat, UHBVN, Panipat.
5. The Executive Engineer ‘Op.’ City Division, 132 KV Sub Station, Gohana, Road, UHBVN, Panipat
6. The SDO (OP), City Sub Division, Near Kalandar Chowk, Quilla, Panipat UHBVN, Panipat (sdoopcituuhbvnpnanipat@gmail.com)