



(Regd. Post)

**Appeal No. : 32/2023**  
**Registered on: 10.04.2023**  
**Date of order: 01.05.2023**

**In the matter of:**

**Appeal against the order dated 22.03.2023 passed by CGRF, UHBVN, Kurukshetra in complaint No. 275/2022 and 278/2022.**

Sh. Sidharth Dagar, S/o Shri Kuldeep Dagar, House No. 188/A, Maidangarhi, New Delhi.

**Appellant /  
Complainant**

Versus

Uttar Haryana Bijli Vitran Nigam Limited

**Respondents**

**Before:**

Sh. Virendra Singh, Electricity Ombudsman

**Present on behalf of Appellant:**

Adv. Praveen Rathi  
Sh. Sidharth Dagar

**Present on behalf of Respondents:**

Sh. S.S. Goyat, SDO 'Op' Sub Division, Kundli

## **ORDER**

**A.** Sh. Sidharth Dagar, S/o Shri Kuldeep Dagar, House No. 188/A, Maidangarhi, New Delhi has filed an appeal against the order dated 22.03.2023 passed by CGRF, UHBVN, Kurukshetra in complaint No. 275/2022 and 278/2022. The appellant request for following relief as under: -

*I am not satisfied with the decision passed by the Hon'ble Forum dated 22-03-2022 hence going in appeal before Hon'ble Ombudsman on the following grounds.*

*1. Hon'ble Forum directed that HT connection be released after re-application whereas complainant Shri Sidharth Dagar is neither having any HT connection nor applied for hence not applicable to complainant Shri Sidharth Dagar.*

*2. It is requested to clarify whether it is applicable to the consumer Shri Mukesh Dagar who is having multiple Industrial HT connections in agricultural land.*

3. *The Hon'ble Forum accepted that the already dismantled LT AP line was illegally erected by the consumer Shri Mukesh Dagar, and the estimated cost is already paid by the complainant Shri Sidharth Dagar.*
4. *But the Forum directed the complainant to provide right of way to re-erect the illegal LT line, in violation of Indian Electricity Act 1956 Section 82 subsection 2 para (a) mentioned in UHBVN sales manual 2013 section 2.8 and in violation of Indian Telegraph Act 1885 section 10 para (b) .*
5. *It is not understood under which Act / Rule / Policy / Nigam Instructions Forum directed the complainant to provide the right of way to re-erect the illegal line through his industrial unit.*
6. *As is clear from the sketch prepared by Assistant Engineer Electricity Operations as directed by Chief Engineer Rohtak, right of way is not required still forum directed the complainant to provide right of way.*
7. *Forum decided the case ex-party on the basis of vigilance Inquiry report received by the forum after last hearing, without hearing the complainant.*
8. *Neither copy of vigilance Inquiry report is provided to the complainant nor is given any chance to file rejoinder / reply. It is requested that complete copy of vigilance inquiry report may please be provided including Enclosures/Annexures. So, as to enable the complainant to file his reply.*
9. *During the hearing on 22-01-2022, SDO Kundli was directed by the forum to file the specific answers of questions raised by the complainant vide rejoinder / counter reply dated 23-12-2022 Para 7 sub para (a), (b) and (c) neither answered by SDO, Kundli nor addressed by the Forum.*
10. *It can be ascertained from the records that Complainant approached UHBVN to remove the illegal line from his plot not for shifting under provisions in Indian Electricity Act 1956 Section 82 mentioned in UHBVN Sales Manual 2013.*
11. *It was UHBVN who decided to shift and re-erect the illegal line at the cost of complainant out of his plot. UHBVN did not full-fill its commitment then only complainant approached the forum.*
12. *Sir Justice should not only to be done also seen to be done, in my case neither justice is done to me nor visible anywhere. I am deprived of my fundamental right of natural justice hence aggrieved by the impugned order passed by Hon'ble Forum.*
13. *In changed scenario in view of vigilance Inquiry report it will be justified to dismantle the illegal line at the cost of defaulter / consumer and the connection be released on reapplication.*

**Prayer; -**

1. It is prayed before Hon'ble Ombudsman to pass suitable orders to dismantle the illegal line immediately at the cost of defaulter (consumer himself).
2. It is prayed to pass suitable orders to release my HT connection as and when required in future. UHBVN should not with-hold my HT connection due to said illegal dead line.
3. It is further requested that said illegal line may be shifted as per approved layout plan and estimated cost already paid.

**B.** The appeal was registered on 10.04.2023 as an appeal No. 32/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 01.05.2023.

**C.** The respondent SDO vide email dated 26.04.2023 has submitted reply which is as under: -

*In this connection, it is submitted that an application for temporary connection submitted in this office by Sh. Sidharth Dagar on dated 29.08.2021 vide application number S14-821-301 accordingly site visited by JE and observed that LT line of 11 KV Barota AP feeder passing over the premises of Sh. Sidarth Dagar. Accordingly, with the knowledge of Sh. Sidharth Dagar above said application cancelled by this office and suggested to the applicant that he will get shift the LT line by providing right of way at his own level. After that Sh. Sidharth Dagar submit an affidavit on dated 29.10.2021, in which he has mentioned that he will provide the right of way for shifting the same and will follow the rule of Nigam. But after repeatedly visit the site by JE, Sh. Sidharth Dagar did not finalize the technical feasibility for right of way for shifting the LT line. On dated 18.02.2022, SE 'OP' Circle Sonipat visited the site along with the then XEN 'OP' City Division Sonipat and undersigned, on the spot/site matter of shifting discussed in detail in the presence of Sh. Sidharth Dagar and it was decided that estimate for shifting the LT line be framed along and inside the wall of Sh. Sidharth Dagar and to consider the new application of temporary connection and also decided to constitute the committee of XEN City Sonipat and SDO 'OP' City S/DIVN, Sonipat for deciding the complaint made by Sh. Sidharth Dagar on the same matter Sh. Sidharth Dagar was also agreed. Accordingly, on dated 07.03.2022 a committee of XEN City Sonipat and SDO 'OP' City Sonipat constituted by the SE 'OP' Circle Sonipat. As per the directions of higher authorities during visit at site, a fresh application resubmitted/applied by Sh. Sidharth Dagar vide application number S14-322-236 dated 22.03.2022, which was released on dated 26.03.2022. In compliance of decision taken by higher authorities during their visit on site on dated 18.02.2022, a deposit estimate also framed and sanctioned along and inside the wall of Rs. 32031/- and for depositing the cost of estimate, a notice sent to Sh. Sidharth Dagar vide this office memo no. 1424 dated 04.05.2022 but the compliance of the same could not made by Sh. Sidharth Dagar. In between the above, committee of XEN City Sonipat and SDO City Sonipat directed in their report to remove/ shift the LT line from the premises of Sh. Sidharth Dagar and in compliance of report of committee as well as verbal directions of the then XEN City Sonipat & higher authorities, this office got framed and sanctioned a revised estimate no. KSD-47/2022-23. In which the route for shifting the LT*

line was proposed outside the premises of Sh. Sidharth Dagar. Sh. Sidharth Dagar deposited the amount Rs. 32031/- vide receipt no. 56603227 dated 10.05.2022. Against this revised estimate this office drawn the required material from the Nigam store against SJO no. 9/133 dated 12.05.2022. But for execution the work, site visited by the JE Sh. Mohit Kumar with labour and material on dated 17.05.2022 and 19.05.2022, during starting the work, Sh. Mukesh Dagar comes in light/site and he did not allow the JE to get execute the work, being proposed route passing through his personal land. Afterthat letter sent to Tehsildar Rai for demarcation of land vide this office memo no. 1948 dated 13.06.2022 and as per verification of Tehsildar the land from which the revised route being prepared belongs to Sh. Mukesh S/o Sh. Ramesh. After receiving of verification report from Tehsildar this office has been written a letter to Sh. Sidharth Dagar on dated 20.06.2022 for providing Right of way for shifting of LT line, vide this office memo no. 2002 dated 20.06.2022. Hence the work of shifting of LT line is still pending. As and when Sh. Sidharth Dagar will get provide the technical feasible right of way, action will be taken accordingly.

**D.** The appellant vide email dated 26.04.2023, submitted the rejoinder, the same is reproduced here as under:

1. Refer to the statement of SDO 'Op.' Sub Division, UHBVN KUNDLI vide Memo No. 161 dated 12-04-2023 received through Executive Engineer 'Op.' City Sonapat.
2. It is intimated that SDO Satish Goyat submitted the concocted story by manipulating / twisting / concealing the facts.
3. It is proved in vigilance Inquiry that the said line was illegally shifted by the beneficiary Mukesh Dagar in collusion with local UHBVN staff without paying any estimate also without any sanctioned lay-out plan, SDO himself lodged FIR No. 136 dated 06-03- 2023 in Police Station kundli.
4. The following facts proved in vigilance Inquiry are appended below for your kind consideration.
  - (a) On 23 Nov 2020 I approached UHBVN to remove electricity pole and wiring at the cost of Nigam under provisions in Indian Electricity Act 1956 Rule-82 mentioned in 4<sup>th</sup> edition of UHBVN sales manual 2013.
  - (b) Accordingly, an estimate was prepared and was forwarded to division office for approval vide memo no 1571 dated 08/02/2021.
  - (c) On 18-2-2022, SE along with XEN and SDO visited the site. At the spot SE directed SDO to shift the line to the north side of my plot temporarily and release my temporary connection immediately and also directed XEN to conduct an inquiry for illegal shifting. Final decision will be taken after the Inquiry report.
  - (d) SDO prepared the estimate. I was ready to pay the estimate subject to the release of my temporary connection as directed by SE, but SDO rejected my temporary connection stating that even if you pay the estimate, line will still remain within your premises. I will not release connection until unless this line is shifted out of my premises.
  - (e) Thereafter I approached Chief Engineer Rohtak in person and apprised him about the facts.
  - (f) Chief Engineer Rohtak deeply studied the case and directed SE

Sonepat to shift the line out of my premises through the agricultural land of beneficiary Mukesh Dagar and release my temporary connection immediately.

- (g) Thereafter I completed the official formalities afresh also applied for temporary connection afresh. No affidavit was given by me only undertaking was given that I will abide by the justified findings of the committee.
- (h) Accordingly, a fresh estimate of Rs. 32031/- was prepared which I paid after ensuring that according to the sketch line would be shifted out of my premises.
- (i) SDO released my temporary connection, but was reluctant to shift the line as directed by chief engineer.
- (j) On 08 Jun 2022 said line was dismantled naturally due to dust storm. Thereafter I did not allow UHBVN staff to re-erect the illegal line again.
- (k) Inquiry Committee headed by XEN City recommended that the said line is to be shifted out from my premises also recommended to provide right of way through my premises which is contradictory and impossible to comply with, also not justified.
- (l) Thereafter I approached Director 'Ops' UHBVN Panchkula, he ordered the vigilance Inquiry.

5. Vigilance Inquiry report was awaited, but still SDO continued to harass me involving local police. It can be understood from the fact that SDO gave different statements in same matter, also took different stands on different stages in same matter: -

- (a) On my complaint no CMOFF/2022/076083 Dated 05-07-2022 SDO Stated that matter is under investigation by vigilance Rohtak.
- (b) On my complaint no CMOFF/2022/076093 SDO stated that Mukesh Dagar is objecting to shift the line as directed by chief engineer, but did not take any action against Mukesh Dagar.
- (c) On the complaint of Mukesh Dagar vide CMOFF/2022/7557 dated 15-09-2022 SDO stated that Sidharth Dagar is the beneficiary and not providing right of way, state away gone to police to lodge FIR.
- (d) Multiple Industrial connections are given to unauthorized factory in agricultural land (notified under section 7A Town Country planner Haryana) of Mukesh Dagar at the site of his tube-well.
- (e) DTP Sonipat directed UHBVN SDO Kundli vide Memo No. ST/DTP-P/2022/13599 Dated 06-10-2022 not to give any electricity connection to Mukesh Dagar.
- (f) But still SDO is insisting me to provide right of way declaring me the beneficiary instead of Mukesh Dagar.
- (g) In view of above facts, it is proved beyond doubt that SDO Kundli Satish Goyat is in habit of manipulating the facts.

6. Meaning of word 'beneficiary' is well defined in a similar matter on 16 Jan 2017 in the Judgement given by the Judicial bench comprising: -

- (a) Hon'ble Mr. Justice Nawab Singh, President  
Shri. BM Bedi Judicial Member.  
Shri Diwan Singh Chauhan, Member  
Argued by SH. BD Bhatia Advocate

Consumer Dispute Redressal Commission UHBVNL vs Puran Chand.

- (b) In this matter commission decided in favor of complainant and

- directed UHBVN to remove the line from the premises of the complainant, at the cost of UHBVN.*
- (c) UHBVN gone into appeal stating that complainant is the 'beneficiary' hence beneficiary has to provide right of way for shifting.*
  - (d) Bench defined the word "beneficiary" as quote "complainant is not the beneficiary instead consumer is the beneficiary" unquote and upheld the decision passed by the commission.*
7. *It is crystal clear from the sketch that right of way is not required. Connection can be given directly from the main line. SDO is unnecessarily raising this issue under the influence of Mukesh Dagar for the reasons best known to SDO himself, just to harass me.*
8. *During hearing in CGRF on 22-01-2023 SDO was directed by CGRF to submit the specific para-wise reply of my questions in my re-joinder dated 23-12-2002 para 7 (a) (b) (c) vide CGRF letter CH-16/UH/CGRF-275/2022 dated 02 Jan 2023, but SDO did not reply till date.*
9. *You are requested to kindly direct SDO to submit specific para-wise reply of following questions*
- (a) Under which Electricity Act, Rule, Policy, Nigam Instructions complainant to provide right of way for shifting un-lawfully laid LT line not the consumer?*
  - (b) Under which Electricity Act, Rule, Policy, Nigam Instruction complainant is the beneficiary of illegally erected LT line not the consumer?*
  - (c) Under which Electricity Act, Rule, Policy, Nigam Instruction UHBVN can re-erect the already dismantled illegal LT line?*
  - (d) Under which Electricity Act, Rule, Policy, Nigam Instruction temporary connection of the complainant was rejected two times and was released on third attempt?*

**E.** Hearing was held on 01.05.2023, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the counsel for the appellant briefed the appeal and submitted that the illegal LT line should be shifted from premises of his client. The department has framed the deposit estimate for shifting of line and the same has been deposited in spite of the fact that the same is to be shifted by Nigam without any cost being illegal. The counsel read para 2 at page 2 of vigilance enquiry which is reproduced here as under: -

*"During securitizing the consumer case file of Shri Ramesh Chand S/o sh. Banwari Lal A & A number 2259/AP dated 10.07.1978, a sketch was found placed at Ch 91 which clearly shows that the existing LT line was emanating from the T/F of tube well SOP to Shri Amir Chand was from the other side (i.e. North side of Shri Ramesh S/o Shri Banwari Lal) and the same was also verified by undersigned by personal visiting the site along-with vigilance team, Rohtak. It clearly shows that at present existing LT line is totally different from the sketch as mentioned above. It seems that this LT line was illegally*

*shifted by Sh. Mukesh Dagar with the involvement with Nigam Staff/ private person being a beneficiary.”*

The appellant further submitted that during checking by vigilance, the layout plan of the tube well connection of Sh. Ramesh kumar was found different than the original layout plan. The beneficiary in this case is Sh. Ramesh Dagar not myself. I have already been allowed CLU by the DTCP and therefore, the illegal LT line should be shifted immediately.

**F.** The respondent SDO, reiterating his submissions made in written reply, submitted that the appellant has given an affidavit for providing the right of way but the same is not provided by him. Due to ROW problem shifting could be done. Further, the matter of illegal line has been thoroughly investigated by vigilance and FIR has also been lodged against the appellant and others on the basis of vigilance enquiry. However, the file of Sh. Abhay Ram (another tube-well consumer on this line) is not traceable being very old. The respondent SDO further submitted that two FIRs, one for illegal shifting and other for creating hindrance in the official works have been lodged in this case. Further, submitted that option was given to the appellant for shifting of line through cable but the appellant refused to allow the line/cable to pass through his premises. Also, the committee comprising of SDO OP city Sonipat and Xen Op city division Sonipat concluded in its report submitted to SE, OP Sonipat vide memo no. ch-14/ Sidharth Dagar dated 20.04.2022 as under: -

*“It is worth to mention here that the LT line which Sh. Sidharth Dagar wants to get removed from these lands is actually passing through his land as certified from revenue wing on 27.04.2022 and 28.04.2022 so if Sh. Sidharth Dagar wants to get shifted from his premises, the same can be done subject to deposit of estimated cost as well as provision of technical feasible ROW by the beneficiary i.e. Sh. Sidharth Dagar. SDO, Op Kundli has already been directed to take further action accordingly and get the desired line shifted at the earliest strictly as per Nigam instructions and also to take departmental action against employees for supervisory lapses.”*

**G.** The operative part of the CGRF order dated 22.07.2023 is as under: -

*“The Forum has observed that the findings so noted/observed by the vigilance wing are sufficient to establish the fact that LT line was illegally shifted by Sh. Mukesh Dagar or his family member with the connivance of Nigam’s staff of private persons and moreover no estimate/estimate cost was found deposited with Nigam.*

*As such, the Forum directs as under: -*

A. Implement the order of Vigilance Enquiry done by S.E./Vigilance HPU, Panchkula and submitted to worthy M.D., UHBVN, Panchkula vide Memo. No. 3774/VO. No, 87/2022 dated 07.10.2022: -

1. FIR against Sh. Mukesh Dagar, Sh. Sidharth Dagar, Sh. Kuldeep dagar, Sh. Sohan Lal Dagar, Sh. Madan Mohan, Sh, Sachin S/o Sh. Kulbir Singh (labour supervisor) be lodged.

2. Audit Wing to calculate the financial implication in this case due shifting of LT lines so many times without any sanctioned estimate.

3. To take disciplinary action against the delinquents by issuing Charge-Sheets/ SCN, as have been demarked by CE/Admn. UHBVN, Panchkula.

B. The complainant Sh. Sidharth Dagar is to provide right of way for shifting of LT line existing in premises at safe/appropriate distance as mentioned in Nigam's prevailing instructions. The LT line be shifted through LT AB Cable under deposit estimate and HT connection be released after re-application keeping in view other prevailing instructions of the Nigam for releasing the new connection.

It was observed by the forum that the contents of complaint made against each other by Sh. Sidharth Dagar (Complaint No. 275/2022) as well as Sh. Mukesh Dagar (Complains No. 278/2022) are similar one and it was decided that both the cases be clubbed into one case I.e. 275/2022.

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

**H.** In view of the foregoing facts and discussions, it is observed that the matter regarding the said LT line has been enquired into in details by vigilance wing of utilities and a committee constituted by the SE op Sonipat and the Forum vide its order dated 22.03.2023 has directed the respondents to take action as per findings of the vigilance wing. Therefore, I do not find any merit in the appeal for interference with the order of the Forum. Hence, the order of the Forum is upheld and the appeal is disposed of accordingly.

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

Given under my hand on 1<sup>st</sup> May, 2023.

**Dated: 01.05.2023**

Sd/-  
**(Virendra Singh)**  
**Electricity Ombudsman, Haryana**



CC

**Memo. No. HERC/EO/Appeal No. 32/2023/**

**Dated:**

1. Sh. Sidharth Dagar, S/o Shri Kuldeep Dagar, House No. 188/A, Maidan Garhi, New Delhi (Email [sidharth.dagar@icg.gov.in](mailto:sidharth.dagar@icg.gov.in)).
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula, Haryana (Email [md@uhbvn.org.in](mailto:md@uhbvn.org.in)).
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4. The Chief Engineer 'Op', Rohtak, Old Power House Colony, Circular Road, Rohtak (Email [ceoprohtak@uhbvn.org.in](mailto:ceoprohtak@uhbvn.org.in)).
5. The Superintending Engineer 'Op' Sonapat, 33KV S/S, Old D.C. Road Sonipat (Email [seopsonapat@uhbvn.org.in](mailto:seopsonapat@uhbvn.org.in)).
6. The Executive Engineer 'Op.' City Sonapat, 132 KV S/S Complex Fazilpur, Sonipat (Email [xenopcsonipat@uhbvn.org.in](mailto:xenopcsonipat@uhbvn.org.in)).
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