



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. : 22/2018  
Received on : 27.08.2018  
Registered on : 28.08.2018  
Date of Hearing : 18.09.2018  
Date of Order : 19.09.2018

In the matter of:-

Appeal against the order of the CGRF, UHBVNL, Kurukshetra, dated 01.08.2018, in case no.1 of 2018.

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

Appellant / Complainant

Versus

UHBVNL

Respondents

Before:

Er. R.C. Mahajan, Electricity Ombudsman

Present on behalf of Appellant

Sh. Mohan Singh H/o Smt. Raj Rani  
Sh. Sukhdev Saini, Advocate

Present on behalf of Respondents

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

**ORDER**

Smt. Raj Rani, W/o Sh. Mohan Singh, House No.991, Sector-12-A, Panchkula, has filed an appeal against the orders of the CGRF, Kurukshetra, dated 01.08.2018, passed in case no.1 of 2018. Brief submissions made in the appeal are as under:-

1. That Sh. Mohan Singh, husband of the Appellant, has three brothers named Sh. Baldev Singh, Sh. Sohan Singh and Sh. Gian Singh. All the four brothers have agricultural land in village Lukhi, Distt. Kurukshetra and

in the said land tubewell connection no.U3-337 was in the name of Sh. Baldev Singh and another connection in the name of Sh. Chhajju Ram, father of all the four brothers.

2. That the husband of the Appellant along with three brothers purchased a land measuring, 48 kanal 19 marla, in the name of their wives named Smt. Dharam Kaur w/o Sh. Baldev Singh, Smt. Joginder Kaur w/o Sh. Gian Singh, Smt. Mohinder Kaur w/o Sh. Sohan Singh and Smt. Raj Rani w/o Sh. Mohan Singh, at village Sandhauli, Tehsil Pehowa, Distt. Kurukshetra. Two tubewell connections bearing A/c No. S1/505 and S1/464, in the name of Sh. Rajesh Kumar, situated in the said land, were also purchased along with the land.
3. That as per the mutual agreement, out of the two tubewell situated at Village Lukhi, one tubewell connection in the name of Sh. Chhajju was given to Sh. Baldev Singh and another connection bearing no. U3-337, which was in the name of Sh. Baldev Singh was given to Sh. Sohan Singh. The two tubewell connections in the land at village Sandhauli, one bearing A/c No. S1/505 was given to the Appellant (Smt. Raj Rani) and another bearing A/c no. S1/464 was given to Smt. Joginder Kaur w/o Sh. Gian Singh.

As per the mutual settlement, Sh. Baldev Singh gave affidavit dated 26.07.2011, to the effect that he has no objection if the tubewell connection U3-337 is transferred in the name of Sh. Sohan Singh as the other tubewell connection have been given to his brothers Sh. Mohan Singh and Sh. Gian Singh. The Appellant Smt. Raj Rani gave an affidavit that she has no objection if the tubewell connection bearing A/c no. S1-464 is transferred in name of Smt. Joginder Kaur w/o Sh. Gian Singh. Smt. Joginder Kaur also gave an affidavit that she has no objection if the tubewell connection bearing a/c no. S1-505 is transferred in the name of Smt. Raj Rani.

4. That a dispute arose and as per the compromise in the panchayat on 9.7.2015, the tubewell connection bearing A/c no. S1/505 remained in the name of Smt. Raj Rani and Connection bearing A/c no. S1/464 remained in the name of Smt. Joginder Kaur.

5. That the connection, which came to the share of the Appellant, was in the name of Sh. Rajesh Kumar whose whereabouts were not known. Therefore, the Appellant got an affidavit from the seller that he has no objection if the tubewell connection bearing A/c no. S1/505 is transferred in the name of the Appellant Smt. Raj Rani and another connection bearing A/c no. S1-464 is transferred in the name of Smt. Joginder Kaur.
6. That on the basis of the affidavits as well as compromise and sale deed, the Appellant got the tubewell connection, bearing A/c no.S1/505, transferred in her name by getting the load extending from 10 HP to 20 HP.
7. That the Respondents illegally and arbitrarily, without giving any notice, retransferred the tubewell connections, bearing A/c no.S1/505 and S1/464 in the name of Sh. Rajesh Kumar.
8. That giving the reference of the Sale Circulars U-31/2015 and U-36/2004, the Appellant stated that the tubewell connections were transferred on the basis of these circulars, compromise and the affidavits of the co-sharers and sellers of the land. Subsequently, the retransfer of the tubewell connections in the name of Sh. Rajesh Kumar, on the false and frivolous objections of Smt. Mohinder Kaur, W/o Sh. Baldev Singh without giving any notice to the Appellant, is illegal and against the Nigam's Circulars.
9. That the Appellant filed a complaint before the CGRF, Kurukshetra and the CGRF dismissed the complaint vide its order dated 1.8.2018.
10. That aggrieved with the orders of the Consumer Forum, the Appellant prayed that the appeal may be accepted and the impugned order dated 1.8.2018 may kindly be set aside and the Respondents may be directed to retransfer the tubewell connection bearing A/c No.S1/505 in the name of Appellant and tubewell connection bearing A/c No. S1/464 in the name of Smt. Joginder Kaur.

The appeal was received on 27.08.2018, and the same was registered as Appeal no.22 of 2018. Notice of motion was issued on 29.08.2018 and the first date of hearing was fixed for 18.09.2018. The respondent SDO was directed to submit the reply within 15 days.

The hearing was held on 18.09.2018, as scheduled. Both the parties were present during the hearing. The reply submitted by the Respondent SDO during the hearing was taken on record and a copy of the same was handed over to the Ld. Counsel.

During the hearing, the Ld. Counsel submitted briefly that the tubewell connection bearing A/c no. S-1/505, earlier in the name Sh. Rajesh Kumar, was transferred in the name of the Appellant namely Smt. Raj Rani, during May, 2016, on the basis of the requisite documents sought by the Respondent Nigam. Thereafter, on the complaint by Smt. Dharam Kaur, one of the co-owner of the land, through affidavit, the said connection was retransferred in the name of Sh. Rajesh Kumar by the Respondent Nigam, without giving any prior notice. He prayed that on the basis of the earlier compromise and the affidavits given by the co-owners, the tubewell connection in question be retransferred in the name of the Appellant. He also requested that a suitable action may be taken against the delinquent officers/officials of the Nigam for their illegal action in transferring the said tubewell connection in the name of Sh. Rajesh Kumar.

Per-contra, the Respondent SDO admitted that the connection was inadvertently transferred in the name of Smt. Raj Rani. However, after going through the objections raised in the affidavits, as submitted by the co-owners namely Smt. Dharam Kaur, W/o Sh. Baldev Singh & Sh. Jernail Singh S/o Sh. Sohan Singh, the tubewell connection was retransferred in the name of Sh. Rajesh Kumar. In view of the Regulation 4.4.1(8) of HERC Supply Code Regulation 2014 and the Nigam's Sales Circular No.U-02/2016, a copy of the khasra, girdawari/jamabandi in the name of the Applicant has not been made available by the Appellant. As such, the tubewell connection can not be transferred in the name of the Appellant. He also submitted that the CGRF, UHBVN, has already rejected the representation of the Appellant as there was no merit in the case.

On query, the Ld. Counsel admitted that the specific land containing the khasra, girdawari/jamabandi, wherein the tubewell connection is existing, is presently not in the sole possession of the Appellant, as the land had been purchased by the

four persons jointly, including the Appellant. He further submitted that he has nothing to say more in the regard. However, he requested for the relief as prayed for.

As the Appellant could not produce any documentary evidence with regard to the ownership of the land where the tubewell connection is existing, I do not find any ground to interfere in the orders passed by the Consumer Grievances Redressal Forum.

Keeping in view the above, material available on record and submissions by both the parties, the orders passed by the Consumer Grievances Redressal Forum are upheld and the appeal is disposed of accordingly. Regarding the action against the delinquent officials of the Nigam for retransferring the tubewell connection in the name of Sh. Rajesh Kumar, the Appellant is at liberty to take up the matter with the appropriate authority.

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

Given under my hand on this day of 19<sup>th</sup> September, 2018.

**Dated: 19<sup>th</sup> September, 2018**

sd/-  
**(R.C.Mahajan)**  
**Electricity Ombudsman, Haryana**

**Endst. No. HERC/EO/Appeal No.22/2018/1786-94**

**Dated: - 19.09.2018**

**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.**