



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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(Regd. Post)

Appeal No : 40/2024
Registered on : 12.12.2024
Date of Order : 08.07.2025

In the matter of:

Appeal against the order passed by CGRF UHBVN Panchkula in case No 270/2024 dated 19.11.2024 in the case of Sh. Dharam Bir Singh of distt- Jhajjar.

Shri Dharambir Singh, Village Ismailpur, PO Mundakhera, Tehsil Appellant
Badli, District Jhajjar

Versus

1. The Executive Engineer Operation, Jhajjar
2. The SDO Operation, UHBVN, Badli

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Dharambir Singh

Present on behalf of Respondents:

Shri Vipin Malik, SDO 'Op.' Badli

ORDER

A. Shri Dharambir Singh has filed an appeal against the order dated 19.11.2024 passed by CGRF, UHBVNL, Panchkula in complaint No. UH/CGRF- 270/2024. The appellant has requested the following relief: -

Primary objection to the order dated 19.11.2024 passed by CGRF

1. The Primary objection to the unlawful order of CGRF is that the Hon'ble Members of CGRF erred in appreciating that issuing orders for removal of an 'unauthorised connection' used for 'unauthorised use of electricity' admitted by SDO, UHBVN, Badli and the CGRF falling under section 126 (6) (v) of Electricity Act, 2003 is very much in the purview of CGRF, however, admittedly the order for restoration of an electricity connection used for unauthorised use of electricity is certainly not in the purview of CGRF and therefore the CGRF has no authority to entertain complaints of such disconnected consumers to order for restoration of such connections. In the present case the complainant / applicant prayed for issuing orders for removal of an illegal connection obtained fraudulently on the basis of manipulated and false documents for a different premises other than plot no. 165 and being used for 'unauthorised use of electricity' and therefore the grievances of the complainant has not been redressed and the CGRF vide order dated 19.11.2024 passed a non speaking order in violation of para 2.43 and 2.47 of HERC notification dated 24.01.2020.
2. It is submitted that as per information with the complainant, on 25.09.2024 only two Ld. members of CGRF were present during the hearing of the

complainant at Jhajjar, one being Ld. Sh. Heralal and another Ld. Sh. Narinder Kumar and therefore, the 3rd member, chairman of the CGRF was not present on 25.09. 2024 and therefore the chairman of CGRF has falsely signed the CGRF order dated 19.11.2024 without being present during the hearing and without hearing the complainant.

3. It is further worthwhile to mentioned that Ld. Sh. Heralal, member CGRF during the hearing on 25.09.2024 verified the jamabandi record of plot no. 165, Sarpanch letter dated 01.05.2021 and application dated 28.06.2021 filed by Sh. Parvinder Singh for his new connection, and was convinced of the fact that the connection of is Parvinder Singh is unauthorised as per section 126 (6) (b) (v) of the Act.
4. It is further worthwhile to mention that Ld. Sh. Narender Kumar, member CGRF after hearing the submissions of the complainant and that of the SDO, UHBVN, Badli on 25.09.2024 categorically concluded that in his opinion Sh. Parvinder Singh obtained unauthorised connection fraudulently to grab the house property of the complainant. Thereafter, Ld. Sh. Narinder Kumar directed the complainant to file an affidavit with respect to his claim which complainant has filed on 30.09.2024 but the same was not considered by CGRF and no speaking order passed.
5. That the present SDO, UHBVN, Badli vide memo no. 4361 dated 24.09.2024 and again on 29.10.2024 sent his reply to the Hon'ble Secretary CGRF, Panchkula and XEN / OP, Jhajjar respectively.
6. That the SDO, UHBVN, Badli Sh. Vipin Malik appears to be in solidarity of Sh. Parvinder Singh and not following rule of law which are clearly in favour of the complainant / applicant, as the Ld. SDO, UHBVN, Badli has stated in his replies dated 24.09.2024 and 29.10.2024 that: -
 - (i) Provisions of Section 126 and 145 of Electricity Act; and that
 - (ii) Orders passed by Hon'ble Punjab and Haryana High Court and that
 - (iii) Orders passed by Hon'ble Supreme Court; and that
 - (iv) Complaint filed by the applicant on 26.06.2023 in the office of SDO, UHBVN, Badli; and that
 - (v) The Electricity (Removal of Difficulties) order, 2005;are not related to his office, though the office of SDO, UHBVN, Badli is a public office of Govt. of Haryana and the SDO, UHBVN, Badli is a public servant and all his actions and responsibilities are amenable to the Electricity Act, 2003 and notifications / circulars /instructions issued there in by higher authorities of UHBVN/HERC.
7. That the above unlawful conclusion / replies of the SDO, UHBVN, Badli appears to be exercising malafide intentions against the complainant / applicant and appears to be an direct attempt to help a fraudster consumer by providing electricity to him authorisedly only to assist Sh. Parvinder Singh to allow/continue grabbing the house property of plot no. 165 by Sh.

Parvinder Singh which belongs to the complainant and his other brothers and sisters.

8. That the unlawful conclusions mentioned by the present SDO, UHBVN, Badli in his replies dated 24.09.2024 and 29.10.2024 not only amounts to preparing a false official documents to cause harm /injury to the applicant but also amounts to defeat and cause harm to the objectives of development of electricity industries amongst others, of the Act as stated in the preamble, which is also an Act of insubordination of the higher authorities of UHBVN / HERC apart from an act of disobeying the provisions of the electricity Act and law of the land as pronounced by Hon'ble Judicial courts including the Hon'ble Punjab and Haryana High Court and the Hon'ble Supreme Court of India.
9. It is pertinent to mention that Ld. Sh. Narinder Kumar, was the member of CGRF which passed its orders on 19.04.2022 in the case of Smt. Bimla Devi of Bahadurgarh and the present order dated 19.11.2024 and therefore it appears that Ld.Sh. Narinder Kumar illegally supported the malafide / extraneous considerations, being exercised the SDO, UHBVN, Badli against the complainant for not following his own orders by Ld. Sh. Narinder Kumar passed on 19.04.2022 due to the reasons best known to him as in both the cases the issue was the same for restoration of a connection disconnected due to default in payment.
10. Further kindly refer to the replies given by SDO, UHBVN, Badli to the complainant, secretary CGRF, XEN, OP, Jhajjar on 04.03.2024, 24.09.2024 and 29.10.2024 respectively (copies enclosed) where the Ld. SDO, UHBVN, Badli, has admitted as follows: -
 - (a) That there was an electricity connection number HD05-1436F in the name of the complainant (Ref: Para 2 of SDO Reply dated 24.09.2024 and 29.10.2024 respectively)
 - (b) That the electricity connection of the complainant was disconnected due to default in payment vide PDCO No. 35/1764 dated 29.06.2018 (Ref: Para 4 each of SDO replies dated 24.09.2024 and 29.10.2024)
 - (c) That full amount of default, being Rs. 51913/- was deposited in the office of SDO, UHBVN, Badli vide receipt no. 33014523 dated 11.08.2020 (Ref: Para 7 of each of SDO replied dated 24.09.2024 and 29.10.2024)
 - (d) No online application for restoration of connection was filed by the complainant (Ref: Para 76 of each of SDO replied dated 24.09.2024 and 29.10.2024)

It is submitted that the complainant filed application for restoration of his connection on 09.09.2020 hard copy in the office of SDO, UHBVN, Badli and there is no grounds to not considered the same. It is also submitted that as the disconnection due to default was older than six months, the

complainant filed for new connection on 14.02.2022 and deposited Rs. 7375/- on 19.02.2022 towards connection fees.

- (e) The connection was provided as per the online application and providing of relevant documents. But during further investigation by the then SDO, it was found that fraud documents were provided by the applicant and consequently meter got removed with the help of police on 04.02.2023". (Ref: Para 12 to 14 each of SDO Replies dated 24.09.2024 and 29.10.2024).

Note: Here the applicant referred is Sh. Parvinder Singh who was provided unauthorised connection on 19.07.2021 at plot no. 165 which is a different premises than that for which the new connection in the name of Parvinder Singh was sanctioned and hence, a case of 'unauthorised use of electricity' falling under section 126 of the Electricity Act, 2003 as admitted by the SDO and the CGRF as mentioned in CGRF order dated 19.11.2024.

- (f) That in reply to your this prayer it is submitted that Parvinder S/o Balraj fraudulently obtained the electricity connection A/c No. H14-HD05-2364P on the basis of manipulated and false documents" (Ref: Page 2 of SDO Reply dated 04.03.2024).

- (g) It revealed that Parvinder S/o Balraj obtained the electricity connection malafidely on the basis of manipulated certificate issued by Sarpanch Gram Panchayat Ismailpur showing the premises within Lal Dora whereas the property in question is recorded one as plot no. 165 as is evident from the information supplied by Parvinder S/o Balraj itself" (Ref: at page 2 & 3 of SDO Reply dated 04.03.2024)

- (h) The department found Parvinder S/o Balraj at fault and in consequent of the illegal and unlawful acts and conduct of Parvinder S/o Balraj, the department disconnected the electricity connection as per law and procedure. Further, when it came to know that the premises is a recorded plot, the department had also issue a letter memo no. 178 dated 20.12.2021 whereby Parvinder S/o Balraj was asked to submit a valid a genuine document reproof as to the ownership of the property recorded plot and in support of the claim of Parvinder S/o Balraj but Parvinder S/o Balraj completely failed to supply the same" (Ref: at page 3 of SDO Reply dated 04.03.2024).

11. That pursuant to Hon'ble Ombudsman letter dated 24.09.2024 the Hon'ble CGRF registered complaint no. 270 of 2024 and ultimately passed its non speaking order on 19.11.2024 in a haste in violation of the principles of natural justice and the provisions of HERC notification dated 24.01.2020.
12. That the Hon'ble CGRF has been pleased to mention the representation dated 20.08.2024 addressed to Hon'ble Ombudsman and affidavit dated 30.09.2024 filed by the complainant in the order dated 19.11.2024.

13. That as mentioned in the CGRF order dated 19.11.2024 the Ld. SDO during hearing on 25.10.2024 submitted before the CGRF as follows :-

The applicant complainant has himself mentioned in his representation a case of "unauthorised use of electricity" read with section 126 (6) (v) of Electricity Act, 2003. As per HERC notification dated 24.01.2020, clause 2.27 (b) "in cases which fall under section 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act" the same cannot be entertained and liable for rejection at any stage, through a speaking order" (Ref: at page 41 of CGRF order dated 19.11.2024)

14. That the Hon'ble CGRF in its order dated 19.11.2024 has recorded as follows
"-Decision :-After examining the reply of the respondent SDO, the record available on file, the Forum has observed that complainant has himself mentioned in his representation a case of "unauthorised use of electricity" read with section 126 (6) (v) of Electricity Act, 2003. As per HERC notification dated 24.01.2020 clause 2.27 (b) "in cases which fall under section 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act" the same cannot be entertained and liable for rejection at any stage, through a speaking order. After going through the record, the Forum has observed that as the complainant has himself mentioned in his application at point no.1 that he is representing the facts under section 126 (6) (b) of the Act, thus the case does not come under the purview of this Forum.

Therefore, the case is hereby dismissed without cost to either of the parties."

15. That the Hon'ble CGRF did not follow the provisions of para no. 2.43 and 2.47 of HERC notification dated 24.01.2020 as the CGRF failed to provide proper opportunity of hearing the complainant but in a haste passed Ex-Party order only by hearing the submission of SDO, UHBVN, Badli on 25.10.2024 as after attending hearing by the complainant on 25.09.2024, the CGRF failed to intimate the complainant of the next date of hearing fixed for 25.10.2024 which the complainant could not attend as the complainant received a call from the office of SDO, UHBVN, Badli at 13:15 Hrs only on 25.10.2024, the very date fixed for hearing by CGRF. The CGRF failed to issue a speaking order in respect of each para of the complaint dated 20.08.2024 read with affidavit dated 30.09.2024 (filed by the complainant as directed by the CGRF on 25.09.2024) which the CGRF mentioned at page 5 to 40 of its order dated 19.11.2024. Further the CGRF has wrongly recorded that the complainant made a complaint regarding wrong imposition of electricity charges (at page 3 of order dated 19.11.2024) which is entirely in contradiction of my prayer mentioned by CGRF at page 40 of its order dated 19.11.2024 which exhibits the casual approach of CGRF towards the genuine grievances of the complainant.
16. Though, the CGRF has concluded that the CGRF has no jurisdiction to entertain cases falling under section 126 of the Act, yet the CGRF neither

acceded to my prayer (at page 40 of CGRF order dated 19.11.2024) nor considered the contents of my affidavit dated 30.09.2024 which was filed on the directions of CGRF itself issued to the complainant on 25.09.2024 and also not considered rejoinder reply dated 02.11.2024 filed by the complainant.

17. It is pertinent to submit that SDO, UHBVN, Badli is lawfully authorised to remove unauthorised connection falling under section 126 of the Act in the same manner the earlier SDO got the two unauthorised connections removed from plot no. 165 vide order dated 27.08.2020 and again vide order dated 04.02.2022.
18. In view of the submissions made by SDO, UHBVN, Badli before the CGRF on 25.10.2024 in absence of the complainant and the decision of Hon'ble CGRF, the unauthorised connection of Sh. Parvinder Singh falls under section 126 of Electricity Act, 2003 being a case of 'unauthorised use of electricity' which is required to be removed by the SDO, UHBVN, Badli and that the case of the complainant falls under section 56 of the Act which is required to be restored by SDO, UHBVN, Badli.
19. That under the provisions of section 145 of the Act, it has been clearly provided that the civil court has no jurisdiction to pass any order / injunction in respect of cases falling under section 126 of the Act.
20. That vide order dated 01.03.2011 the Hon'ble Punjab and Haryana High Court has been pleased to hold that the civil court has no jurisdiction to pass any discretionary orders in cases falling under section 126 of the Act and that the SDO, UHBVN, Badli has complete authority to remove unauthorised connection of Sh. Parvinder Singh and restore the electricity connection of the complainant independently of the litigation.
21. That it is now beyond any doubt that full default amount of Rs. 51913/- has been deposited in the account no. HD05-1436F on 11.08.2020 and as per section 56 of the Act, the disconnected connection of the complainant was / is immediately required to be restored.
22. That the CGRF was required to pass orders for restoration of my connection in view of its order dated 19.04.2022 passed in complaint no. UH/CGRF/43/2022 filed by Smt. Bimla Devi of Bahadurgarh as no cross supply of electricity is allowed in the same premises of plot no. 165 and the connection of Parvinder Singh would have been removed and installed at the premises i.e. in Lal Dora for which his connection was sanctioned.
23. That as per order dated 19.04.2022 passed by Hon'ble CGRF in the case of Smt. Bimla Devi, the electricity connection discontinued due to default in payment is required to be immediately restored on payment of full default amount, therefore the Hon'ble CGRF has not considered the ratio and principle of its own order dated 19.04.2022 passed in the case of Smt. Bimla Devi, if the disconnection is older than six months the consumer is required to apply afresh in order to get his connection restored, however, the CGRF

has discriminated with the complainant w.r.t to its order dated 19.04.2022 vis-a-vis its order dated 19.11.2024.

24. That the complainant / applicant applied for new connection on 14.02.2022 and an amount of Rs. 7375/- has also been deposited on 19.02.2022 in the office of SDO, UHBVN, Badli towards fees for new connection.
25. That SDO, UHBVN, Badli vide his letter dated 16.04.2024 has provided to the complainant / applicant under RTI the copies of application for new connection filed by Sh. Parvinder Singh on 28.06.2021 and the copy of Sarpanch letter dated 01.05.2021 where new connection was sanctioned by SDO, UHBVN, Badli for Lal Dora house of Sh. Parvinder Singh while considering the Sarpanch letter as the proof of ownership of the premises, however, Sh. Parvinder Singh surreptitiously got his connection unauthorisedly installed at plot no. 165 by hoodwinking and misleading UHBVN officials of Badli office.
26. That vide the Electricity (Removal of Difficulties) Order, 2005, the electricity supply is disconnected in case of theft or unauthorised use of electricity.
27. That the earlier SDO, UHBVN, Badli, vide his reply dated 17.02.2022 filed on affidavit on oath in the civil court Bahadurgarh, which have even no jurisdiction to entertain or pass any injunction in the matter, has stated as follows:-

“3. That in reply to para 3 of the plaint it is submitted that the plaintiff fraudulently obtained the electricity connection A/c No. H14-HD05-2364P on the basis of manipulated and false documents”.
28. That the present SDO, UHBVN, Badli vide his memo no. 4320 dated 10.09.2024 has informed the Hon'ble Ombudsman, HERC, that the electricity connection in the name of Sh. Parvinder Singh was restored on the order of Hon'ble Civil Court, Bahadurgarh dated 18.02.2022. It is pertinent to mention that the Hon'ble Civil Court, Bahadurgarh, even having no jurisdiction, directed the SDO, UHBVN, Badli to restore the connection of Sh. Parvinder Singh as per rules.
29. The SDO, UHBVN, Badli in his letter dated 10.09.2024 has not mentioned under which rule the unauthorised connection of Sh. Parvinder Singh was restored which was disconnected on 04.02.2022 being the case of unauthorised use of electricity.
30. That the applicant vide his letter dated 02.11.2024 replied to the said replies of the SDO, UHBVN, Badli dated 24.09.2024 and 25.10.2024 to the Hon'ble CGRF, Panchkula, S.E. OP, UHBVN Jhajjar, XEN OP, UHBVN Jhajjar and SDO OP UHBVN, Badli via emails which neither the SDO nor the CGRF considered.
31. That on the complaint of applicant, the earlier SDO, UHBVN, Badli vide orders dated 27.08.2020 removed the unauthorised connection no. H14-

HD05-2039P unauthorisedly installed by the father of Sh. Parvinder Singh at plot no. 165 in connivance with his nephew Sunil Kumar S/o Devi Ram.

32. And again vide order dated 04.02.2022 pursuant to the direction dated 18.08.2021 passed by Hon'ble Ombudsman, HERC to the SE, OP, UHBVN Jhajjar removed the connection obtained unauthorisedly / fraudulently by Sh. Parvinder Singh at plot no. 165 being the case of unauthorised use of electricity falling under section 126 (6) (b) (IV).
33. That in the present case also, the Hon'ble Electricity Ombudsman issued necessary direction vide letter dated 06.07.2023 to the S.E. OP, UHBVN, Jhajjar to take necessary action in the matter, however, no action has been taken in the matter by the concerned officers of UHBVN.
34. It is submitted that issuing orders of removal of illegal connection in the case of unauthorise use of electricity falling under section 126 (6) (b) is under the purview of distribution licensee / SDO, UHBVN, Badli and the Hon'ble CGRF.
35. That under the provisions of the Electricity Act, 2003 The Electricity (Removal of difficulties) Order, 2005 has been framed in respect of electricity supply code in terms of section 50 of the Act, to remove the difficulties of distribution licensee in controlling theft or unauthorised use of electricity as per section 2 (ii) of The Electricity (Removal of difficulties) Order, 2005.
36. That vide Section 9 CPC it has been provided that the Hon'ble Civil Court have Jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred. It is submitted that under the provisions of the electricity Act 2003, being a special and Central Act, the Hon'ble Civil Court have been barred to take cognizance on the subject matter as contained in Section 145 of the said electricity Act 2003.
37. That vide section 145 of the Electricity Act 2003 the jurisdiction of this court has been barred which is reproduced as follows :-
- “145. Civil court not to have Jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an assessing officer referred to in section 126
- or
- an appellate authority referred to in section 127
- or
- the adjudicating officer appointed under this Act is empowered by or under this Act to determine
- and
- no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act”

The Hon'ble Supreme Court orders pertaining to the matter.

38. The Hon'ble Court in the case of Ram Chandra Singh vs Savitri Devi and Ors, (2003) 8 SCC 319, has been pleased to hold as follows:-

“15. Fraud as is well-known vitiates every solemn act. Fraud and justice never dwells together”

“17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentations may also give reason to claim relief against fraud”

“18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by willfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representation which he known so be false, and injury ensues there from although the motive from which the representations proceeded may not have been bad.”

“28. In S.P. Chengalvaraya Naidu vs. Jagannath (1991 (1) SCC 1) this court in no uncertain terms observed: -

(i) The principles of "finality of litigation" cannot be passed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants.

(iv) We are constrained to say that more often than not process of the courts is being abused. Property-grabbers, tax-evaders, bank-loan dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal gains indefinitely.

39. The Hon'ble Supreme Court in the case of Harshad Chiman Lal Modi Vs. DLF Universal Ltd., (2005) 7 SCC 791, vide para 30 has been pleased to hold as under: -

“..... Jurisdiction as to subject matter, however, is totally distinct and stands on a different footing. Where a court has no Jurisdiction over the subject matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause of matter. Any order passed by a court having no jurisdiction is a nullity”

40. That the Hon'ble Supreme Court in the case of Sahebgouda Vs Ogeppa, (2003) 6 SCC 1512, has been pleased to hold as under: -

“a statute ousting the Jurisdiction of a court must be strictly construed.”

41. That it has further been held by the Hon'ble Supreme Court in the case of Dhruv Green Field Ltd Vs Hukam Singh, AIR 2002 SC 2841 hold as under:

“court has no jurisdiction if there is a express provision in any special Act barring the Jurisdiction of Civil Court.”

42. The Hon'ble Court in the case of Ram Chandra Singh vs Savitri Devi and Ors, (2003) 8 SCC 319, has been pleased to hold as follows: -

“15. Fraud as is well-known vitiates every solemn act. Fraud and justice never dwells together”

“17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentations may also give reason to claim relief against fraud”

“18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by willfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representation which he known so be false, and injury ensues there from although the motive from which the representations proceeded may not have been bad.”

“19..... Fraud is proved when it is shown that a false representation has been made knowingly, or without belief in its truth, or recklessly, without caring whether it be true or false.”

“24. An act of fraud of Court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of the others in relation to a property would render the transaction void ab initio. Fraud and deception are synonymous.”

“26... Fraud is anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine including res-judicate.”

“28. In S.P. Chengalvaraya Naidu vs. Jagannath (1991 (1) SCC 1) this court in no uncertain terms observed: -

(i) The principles of "finality of litigation" cannot be passed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants.

(iv) We are constrained to say that more often than not process of the courts is being abused. Property-grabbers, tax-evaders, bank-loan dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal gains indefinitely.

(vi) A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another.

(vii) It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage...

“39. It is now well-settled that an order passed by a court without jurisdiction is a nullity. Any order passed or action taken pursuant there to or in furtherance thereof would also be nullities..... All orders and actions taken pursuant to or in furtherance thereof must also be declared wholly illegal and without jurisdiction and consequently are liable to be set aside. They are declared as such.”

“40. It will bear repetition to state that any order obtained by practising fraud on court is also non-est in the eyes of law.”

(vi) A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another.

(vii) It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage...

43. That the Hon'ble Punjab and Haryana High Court vide order dt. 01.03.2011, after having probed the provisions of section 126, 127 and 145 of the electricity act 2003 has been pleased to hold as follows:-
- (i) "section 145 of the Act creates a bar that the civil court would have no jurisdiction to entertain any suit or proceedings in respect of which the assessing office referred to in Section 126 of the Act or an appellate authority referred to in Section 127 or adjudicating officer appointed under the Act is empowered by this Act to determined. The section 145 of the Act further clarifies that no injection would be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
 - (ii) It is also well settled by now that where a complete hierarchy of Tribunals or Courts is provided by the statute to resolve and redress the disputes, then in the light of the alternative dispute redressal Form, the civil court has no jurisdiction when expressly and impliedly barred by the statute.
 - (iii) Even after disconnection made by the Nigam vide memo no. 5038 dated 22.09.2010, the respondent did not setup any claim before the competent authority, however, filed the present suit for injection.
 - (iv) Thus, while viewing the case from any angle, impugned order can be said to be in clear cut violation of the provisions of Section 126 of the Act. As such, the civil court's jurisdiction is completely barred.
 - (v) When once it is held that the civil court has no jurisdiction to try the suit then certainly the plaintiff respondent cannot be said to have a prima facie case in his favour for grant of injection. Since the civil court has no jurisdiction to try the suit, therefore, it is estopped to grant such discretionary relief. Both the courts below have taken wrong view of the matter while holding that the civil court has the jurisdiction to grant injection.
 - (vi) I have been informed by the Petitioner that during the pendency of this revision petition the connection has already been restored to the respondent. In this connection it is observed that if the connection is restored and compliance has been made by the party as per rules and instructions on payment of the assessed amount, then that would be deemed to have been restored independently of the litigation, otherwise, it would be suffice to say that the petitioners would be at liberty to undo the Act which was done temporarily pursuant to the orders passed by the courts below."
44. That the Hon'ble Punjab & Haryana High Court in RSA No. 3933 of 2017 (O&M) decided on 30.08.2017 has been please to hold as follows on the issue of jurisdiction of civil court: -

(ii) Lastly, if the jurisdiction of the civil court is specifically excluded in particular matter, by name, then such provision excluding the jurisdiction of the civil court has to be given primacy.

(iii) If one is to analyse the provision of Section 145 of the Act it is clear that the jurisdiction of the civil court has been barred in respect of the matters regarding which the 'Assessing Officer' have the jurisdiction under section 126 of the Act or the 'Appellate Authority' has the jurisdiction to decide the appeal under Section 127 of the Act. Still further, this provision excludes the jurisdiction in the matters regarding which the 'Adjudicating Officer' appointed under this Act is empowered to determine'

45. It is submitted that the Hon'ble Supreme Court in the case of the Executive Engineer and another Vs. M/s Sri Seetaram Rice Mill; -

2012 (3) Civil Court cases 68 has been pleased to hold as under: -

“15 Upon their plain reading, the marked differences in the contents of Section 126 and 135 of the 2003 Act are obvious. They are distinct and different provisions which operate in different fields and have no common premises in law.

In contradistinction to these provisions, Section 126 of the 2003 Act would be applicable to the cases where there is not theft of Electricity but the electricity is being consumed in violation of the terms and conditions of supply leading to malpractices which may squarely fall within the expression 'unauthorised use of electricity'

17. Thus, it would be clear that the expression 'unauthorised use of electricity' under section 126 of the 2003 Act deals with cases of unauthorised use, even in absence of intention. These cases would certainly be different from cases where there is dishonest abstraction of electricity by any of the methods enlisted under section 135 of the 2003 Act.

Therefore, there is a clear distinction between the cases that would fall under section 126 of the 2003 Act on the one hand and section 135 of the 2003 Act on the other. There is not commonality between them in law. They operate in different and distinct fields."

UHBVN SALES CIRCULAR NO. U-15/2018 DATED 20.09.2018

46. Provisions made as per above circular are as follows: -

(vii) In case of disconnected consumers, the reconnection will be made on payment of the lump sum amount or as the case may be the first instalment of the principal amount after charging RCO fee as applicable without reckoning it as a new case, provided the disconnection has been effected within six months. In case of disconnection older than six months, the applicant shall be treated as a new consumer. However, in the case of BPL families, the reconnection will be made without charging any RCO fees.

47. That the CGRF, UHBVN Kurukshetra, while deciding a similar case of reconnection which was disconnected due to non payment of default amount

by one Smt. Bimia Devi of Bahadurgarh, vide its order has been pleased to decide as follows: -

Decision: - After examining the reply of the respondent SDO, the record available on the file and hearing both the parties, the forum has observed that consumer meter was removed vide PDCO No. 17/574 on defaulting amount of Rs. 74462/- and the consumer paid Rs. 40000/- P.P. on dated 01.02.2022 and net balance amount of Rs. 34462/- is still outstanding. The SDO/Respondent intimated that the consumer wants waiving off her defaulting amount and also wants to get her connection released without getting deposited the outstanding defaulting amount.

The forum has examined the reply of SDO / Respondent and found same in order. Since the release of electricity connection of disconnected consumer is possible only when she clears the full defaulting amount. Hence, the forum directs SDO/ Respondent to release the connection of the complainant as soon as she clears the defaulting amount and applies afresh for new connection.

48. That on the issue of Jurisdiction of subject matter, the Hon'ble Supreme Court in the case of Harshad Chiman Lal Modi Vs. DLF Universal Ltd., (2005) 7 SCC 791, vide para 30 has been pleased to hold as under: -

“.....Jurisdiction as to subject matter, however, is totally distinct and stands on a different footing. Where a court has no Jurisdiction over the subject matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause of matter. Any order passed by a court having no jurisdiction is a nullity”

49. That the Hon'ble Supreme Court in the case of Sahebgouda Vs. Ogeppa, (2003) 6 SCC 1512, has been pleased to hold that a statute ousting the Jurisdiction of a court must be strictly construed.

50. That it has further been held by the Hon'ble Supreme Court in the case of Dhruv Green Field Ltd Vs Hukam Singh, AIR 2002 SC 2841 that court has no jurisdiction if there is a express provision in any special Act barring the Jurisdiction of Civil Court.

51. It is pertinent to mention that the Hon'ble Supreme Court in the case of B.N. Hazarika Vs State of Assam, AIR 2013 SC 234 has been pleased to hold as follows: -

State is required to act fairly giving the due regards and respect to rules framed by it”

52. It is pertinent to mention that the Hon'ble Supreme Court in the case of R. Unnikrishan Vs. VK Mahunudevan, AIR 2014 SC 1201 (1206) has been pleased to hold as follows: -

“The binding character of the judgements pronounced by the courts of competent jurisdiction is an essential part of rule of law”

53. It is pertinent to mention that the Hon'ble Supreme Court in the case of Rupa Ashok Hurra Vs. Ashok Hurra, AIR 2002 SC 1771, has been pleased to hold as follows: -
- “The law declared by Supreme Court is the law of the land; it is precedent for itself and all the courts / tribunals and authorities in India”
54. It is pertinent to mention that the constitutional bench of five judges of Hon'ble Supreme Court in the case Kartar Singh Vs. State of Punjab, (1994) 3 SCC 569, has been pleased to hold as follows: -
- “The law is, what the judges say it is since the power to interpret the law vests in the judges”
55. On the issue of prevailing of Hon'ble High Court orders over subordinate courts, the larger bench of Hon'ble Supreme Court in the case of Assistant Collector of Central Excise Vs. Dunlop India Ltd., (1985) 1 SCC 260 has been pleased to hold as follows:-
- “The better wisdom of the court below must yield to the higher wisdom of the court above”
56. It is submitted that the non-following the lawful provisions by the SDO, UHBVN, Badli and the Hon'ble CGRF by not issuing orders of removal of an unauthorised electricity connection and not restoring the connection of the complainant / applicant has caused much damage and inconvenience to the complaint / applicant as the ban fraudster consumer Sh. Parvinder Singh has illegally allowed to use electricity by the SDO, UHBVN, Badli and the CGRF which amounts to assist Sh. Parvinder Singh to keep grabbing the house property of plot no. 165 belonging to the complainant / his brothers and sisters.
57. That therefore, in view of the settled legal position under the Electricity Act and judicial orders of Hon'ble High Court and Supreme Court orders, the discretionary orders issued by Hon'ble Civil Court Bahadurgarh without jurisdiction is an order in nullity and the SDO, UHBVN, Badli is required to immediately remove the unauthorised /illegal connection provided in the name Sh. Parvinder Singh at plot no. 165 falling under section 126 (6) (b) and restore the connection in the name of complainant/applicant under section 56 of the Act as full default amount has already been paid by the complainant.
58. That by taking proper lawful action by removing the unauthorised connection Sh. Parvinder Singh from plot no. 165 and installing the same at his lal dora house for which it was sanctioned and restoring the connection of the complainant at plot no. 165, Sh. Parvinder Singh would continue using electricity at plot no. 165 till the time Sh. Parvinder Singh vacates the house property of plot no. 165 belonging to the complainant / his other brothers and sisters.

59. It is submitted that the present representation is filed with genuine and sufficient cause as much damage and inconvenience has been caused / being caused to the complainant as the distribution licensee / SDO, UHBVN, Badli has been unlawfully allowing Sh. Parvinder Singh, who belongs to a mighty Gujjar community, by providing facility of electricity services to facilitate him to continue grabbing of house / property of plot no. 165 belonging to the complainant / with brothers / sisters who belong to poor scheduled caste community.
60. It is further submitted that the present representation /complaint may kindly be also considered as an appeal under sub section (5, 6, 7, & 8) of section 42 of the Electricity Act, 2003 read with para 7.2 and para 2.48 and 2.49 of the HERC notification no. HERC/34/2016 dated 11.07.2016 and HERC notification no. HERC /48/2020 dated 24.01.2020 respectively, against the order dated 19.11.2024 passed by the Hon'ble CGRF.

Prayer

Therefore, it is humbly prayed that necessary directions may kindly be issued to the SDO, UHBVN, Badli to immediately remove the unauthorised/ illegal connection of Sh. Parvinder Singh from plot no. 165 and install his connection at his lal dora house for which his connection was sanctioned and restore the electricity connection of the complainant/applicant at plot no. 165 in the interest of complete justice in the matter.

- B.** The application / representation was registered on 12.12.2024 as an appeal No. 40/2024 and accordingly, notice of motion to the appellant and the Respondents was issued for hearing the matter on 14.01.2025.
- C.** Hearing was held on 14.01.2025, as scheduled. Both the parties were present during the hearing through video conferencing. At the outset, the respondent SDO requested for short adjournment being advocate engaged recently. The respondent SDO is directed to submit point wise reply within 10 days with an advance copy to the appellant. Acceding to the request of the respondent, the matter was adjourned for hearing on 18.02.2025.
- D.** The respondent SDO vide email dated 06.02.2025 has submitted reply, which is reproduced as under:

Point No.	Description	Reply
	<p>(i) Request to issue necessary directions to the SDO, UHBVN, Badli, Division Jhajjar, to disconnect supply of unauthorised connection obtained fraudulently on the basis of false and manipulated documents by Sh. Parvinder Singh and being used for unauthorised use of electricity falling under section 126 of the Electricity Act, 2003 as the Ld. SDO and the Hon'ble CGRI have admitted the unauthorised connection falling under section 126 of the Act but failed to redress the grievances of the complainant vide order dated 19.11.2024 and</p> <p>(ii) Restore / provide electricity connection in the name of the complainant under section 56, of</p>	<p>Comments has been restored as per order of Civil Court Bahadurgarh. The copy of the order is attached herewith.</p>

	Electricity Act 2003 as the full amount of default has been paid by the complainant / applicant. Regarding.	
1	The Primary objection to the unlawful order of CGRF is that the Hon'ble Members of CGRF erred in appreciating that issuing orders for removal of an 'unauthorised connection' used for 'unauthorised use of electricity' admitted by SDO, UHBVN, Badli and the CGRF falling under section 126 (6) (v) of Electricity Act, 2003 is very much in the purview of CGRF, however, admittedly the order for restoration of an electricity connection used for unauthorised use of electricity is certainly not in the purview of CGRF and therefore the CGRF has no authority to entertain complaints of such disconnected consumers to order for restoration of such connections. In the present case the complainant / applicant prayed for issuing orders for removal of an illegal connection obtained fraudulently on the basis of manipulated and false documents for a different premises other than plot no. 165 and being used for 'unauthorised use of electricity' and therefore the grievances of the complainant has not been redressed and the CGRF vide order dated 19.11.2024 passed a non speaking order in violation of para 2.43 and 2.47 of HERC notification dated 24.01.2020.	Order passed by Hon'ble CGRF is matter of record and attached herewith.
2	It is submitted that as per information with the complainant, on 25.09.2024 only two Ld. members of CGRF were present during the hearing of the complainant at Jhajjar, one being Ld. Sh. Heralal and another Ld. Sh. Narinder Kumar and therefore, the 3 rd member, chairman of the CGRF was not present on 25.09. 2024 and therefore the chairman of CGRF has falsely signed the CGRF order dated 19.11.2024 without being present during the hearing and without hearing the complainant.	
3.	It is further worthwhile to mentioned that Ld. Sh. Heralal, member CGRF during the hearing on 25.09.2024 verified the jamabandi record of plot no. 165, Sarpanch letter dated 01.05.2021 and application dated 28.06.2021 filed by Sh. Parvinder Singh for his new connection, and was convinced of the fact that the connection of is Parvinder Singh is unauthorised as per section 126 (6) (b) (v) of the Act.	
4.	It is further worthwhile to mention that Ld. Sh. Narender Kumar, member CGRF after hearing the submissions of the complainant and that of the SDO, UHBVN, Badli on 25.09.2024 categorically concluded that in his opinion Sh. Parvinder Singh obtained unauthorised connection fraudulently to grab the house property of the complainant. Thereafter, Ld. Sh. Narinder Kumar directed the complainant to file an affidavit with respect to his claim which complainant has filed on 30.09.2024 but the same was not considered by CGRF and no speaking order passed.	
5.	That the present SDO, UHBVN, Badli vide memo no. 4361 dated 24.09.2024 and again on 29.10.2024 sent his reply to the Hon'ble Secretary CGRF, Panchkula and XEN / OP, Jhajjar respectively.	Matter of record.
6.	That the SDO, UHBVN, Badli Sh. Vipin Malik appears to be in solidarity of Sh. Parvinder Singh and not following rule of law which are clearly in favour of the complainant / applicant, as the Ld. SDO, UHBVN, Badli has stated in his replies dated 24.09.2024 and 29.10.2024 that: -	Reply filed by the SDO UHBVN Badli is matter of record. Hence, no repeated here. However, all the notifications

	<p>(i) Provisions of Section 126 and 145 of Electricity Act; and that</p> <p>(ii) Orders passed by Hon'ble Punjab and Haryana High Court and that</p> <p>(iii) Orders passed by Hon'ble Supreme Court; and that</p> <p>(iv) Complaint filed by the applicant on 26.06.2023 in the office of SDO, UHBVN, Badli; and that</p> <p>(v) The Electricity (Removal of Difficulties) order, 2005;</p> <p>are not related to his office, though the office of SDO, UHBVN, Badli is a public office of Govt. of Haryana and the SDO, UHBVN, Badli is a public servant and all his actions and responsibilities are amenable to the Electricity Act, 2003 and notifications / circulars /instructions issued there in by higher authorities of UHBVN/HERC.</p>	/circulars/instructions are duly followed by the concerned SDO.
7.	That the above unlawful conclusion / replies of the SDO, UHBVN, Badli appears to be exercising malafide intentions against the complainant / applicant and appears to be an direct attempt to help a fraudster consumer by providing electricity to him authorisedly only to assist Sh. Parvinder Singh to allow/continue grabbing the house property of plot no. 165 by Sh. Parvinder Singh which belongs to the complainant and his other brothers and sisters.	There is no malafide intension on the part of concerned SDO against the applicant. The reply filed by the SDO is as per the record available with the Nigam.
8.	That the unlawful conclusions mentioned by the present SDO, UHBVN, Badli in his replies dated 24.09.2024 and 29.10.2024 not only amounts to preparing a false official documents to cause harm /injury to the applicant but also amounts to defeat and cause harm to the objectives of development of electricity industries amongst others, of the Act as stated in the preamble, which is also an Act of insubordination of the higher authorities of UHBVN / HERC apart from an act of disobeying the provisions of the electricity Act and law of the land as pronounced by Hon'ble Judicial courts including the Hon'ble Punjab and Haryana High Court and the Hon'ble Supreme Court of India.	The reply filed by the SDO is genuine, lawful and as per the record available in the nigam. There is no personal grouse against the applicant on the part of the official of the nigam. There is no violation of any of the provision of the electricity act or of the law of land on the part of concerned SDO.
9.	It is pertinent to mention that Ld. Sh. Narinder Kumar, was the member of CGRF which passed its orders on 19.04.2022 in the case of Smt. Bimla Devi of Bahadurgarh and the present order dated 19.11.2024 and therefore it appears that Ld.Sh. Narinder Kumar illegally supported the malafide / extraneous considerations, being exercised the SDO, UHBVN, Badli against the complainant for not following his own orders by Ld. Sh. Narinder Kumar passed on 19.04.2022 due to the reasons best known to him as in both the cases the issue was the same for restoration of a connection disconnected due to default in payment.	Order passed by Hon'ble CGRF is matter of record and attached herewith.
10.	<p>Further kindly refer to the replies given by SDO, UHBVN, Badli to the complainant, secretary CGRF, XEN, OP, Jhajjar on 04.03.2024, 24.09.2024 and 29.10.2024 respectively (copies enclosed) where the Ld. SDO, UHBVN, Badli, has admitted as follows: -</p> <p>(i) That there was an electricity connection number HD05-1436F in the name of the complainant (Ref: Para 2 of SDO Reply dated 24.09.2024 and 29.10.2024 respectively)</p> <p>(ii) That the electricity connection of the complainant was disconnected due to default in payment vide PDCO No. 35/1764 dated 29.06.2018 (Ref: Para 4</p>	Reply filed by the SDO is matter of record.

	<p>each of SDO replies dated 24.09.2024 and 29.10.2024)</p> <p>(C) That full amount of default, being Rs. 51913/- was deposited in the office of SDO, UHBVN, Badli vide receipt no. 33014523 dated 11.08.2020 (Ref: Para 7 of each of SDO replied dated 24.09.2024 and 29.10.2024)</p> <p>(d) No online application for restoration of connection was filed by the complainant (Ref: Para 76 of each of SDO replied dated 24.09.2024 and 29.10.2024).</p> <p>It is submitted that the complainant filed application for restoration of his connection on 09.09.2020 hard copy in the office of SDO, UHBVN, Badli and there is no grounds to not considered the same. It is also submitted that as the disconnection due to default was older than six months, the complainant filed for new connection on 14.02.2022 and deposited Rs. 7375/- on 19.02.2022 towards connection fees.</p> <p>(e) The connection was provided as per the online application and providing of relevant documents. But during further investigation by the then SDO, it was found that fraud documents were provided by the applicant and consequently meter got removed with the help of police on 04.02.2023". (Ref: Para 12 to 14 each of SDO Replies dated 24.09.2024 and 29.10.2024).</p> <p>Note: Here the applicant referred is Sh. Parvinder Singh who was provided unauthorised connection on 19.07.2021 at plot no. 165 which is a different premises than that for which the new connection in the name of Parvinder Singh was sanctioned and hence, a case of 'unauthorised use of electricity' falling under section 126 of the Electricity Act, 2003 as admitted by the SDO and the CGRF as mentioned in CGRF order dated 19.11.2024.</p> <p>(f) That in reply to your this prayer it is submitted that Parvinder S/o Balraj fraudulently obtained the electricity connection A/c No. H14-HD05-2364P on the basis of manipulated and false documents" (Ref: Page 2 of SDO Reply dated 04.03.2024).</p> <p>(g) It revealed that Parvinder S/o Balraj obtained the electricity connection malafidely on the basis of manipulated certificate issued by Sarpanch Gram Panchayat Ismailpur showing the premises within Lal Dora whereas the property in question is recorded one as plot no. 165 as is evident from the information supplied by Parvinder S/o Balraj itself" (Ref: at page 2 & 3 of SDO Reply dated 04.03.2024)</p> <p>(h) The department found Parvinder S/o Balraj at fault and in consequent of the illegal and unlawful acts and conduct of Parvinder S/o Balraj, the department disconnected the electricity connection as per law and procedure. Further, when it came to know that the premises is a recorded plot, the department had also issue a letter memo no. 178 dated 20.12.2021 whereby Parvinder S/o Balraj was asked to submit a valid a genuine document reproof as to the ownership of the property recorded plot and in support of the claim of Parvinder S/o Balraj but Parvinder S/o Balraj completely failed to supply the same" (Ref: at page 3 of SDO Reply dated 04.03.2024).</p>	
11.	That pursuant to Hon'ble Ombudsman letter dated 24.09.2024 the Hon'ble CGRF registered complaint no. 270 of 2024 and ultimately passed its non	Order passed by Hon'ble CGRF is matter of record and attached herewith.

	speaking order on 19.11.2024 in a haste in violation of the principles of natural justice and the provisions of HERC notification dated 24.01.2020.	
12.	That the Hon'ble CGRF has been pleased to mention the representation dated 20.08.2024 addressed to Hon'ble Ombudsman and affidavit dated 30.09.2024 filed by the complainant in the order dated 19.11.2024.	
13.	That as mentioned in the CGRF order dated 19.11.2024 the Ld. SDO during hearing on 25.10.2024 submitted before the CGRF as follows :- The applicant complainant has himself mentioned in his representation a case of "unauthorised use of electricity" read with section 126 (6) (v) of Electricity Act, 2003. As per HERC notification dated 24.01.2020, clause 2.27 (b) "in cases which fall under section 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act" the same cannot be entertained and liable for rejection at any stage, through a speaking order" (Ref: at page 41 of CGRF order dated 19.11.2024)	Reply filed by the SDO is matter of record.
14.	That the Hon'ble CGRF in its order dated 19.11.2024 has recorded as follows "- Decision :-After examining the reply of the respondent SDO, the record available on file, the Forum has observed that complainant has himself mentioned in his representation a case of "unauthorised use of electricity" read with section 126 (6) (v) of Electricity Act, 2003. As per HERC notification dated 24.01.2020 clause 2.27 (b) "in cases which fall under section 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act" the same cannot entertained and liable for rejection at any stage, through a speaking order. After going through the record, the Forum has observed that as the complainant has himself mentioned in his application at point no.1 that he is representing the facts under section 126 (6) (b) of the Act, thus the case does not come under the purview of this Forum. Therefore, the case is hereby dismissed without cost to either of the parties. File be consigned to record. The order is signed and issue by the Consumer Grievances Redressal Forum on 19.11.2024. Sd/- Sd/- Sd/- (Hera Lal) (Er. Narinder Kumar) (Er. R. K. KHANNA) Member, CGRF Member, CGRF Chairperson, CGRF	Order passed by Hon'ble CGRF is matter of record and attached herewith.
15.	That the Hon'ble CGRF did not follow the provisions of para no. 2.43 and 2.47 of HERC notification dated 24.01.2020 as the CGRF failed to provide proper opportunity of hearing the complainant but in a haste passed Ex-Party order only by hearing the submission of SDO, UHBVN, Badli on 25.10.2024 as after attending hearing by the complainant on 25.09.2024, the CGRF failed to intimate the complainant of the next date of hearing fixed for 25.10.2024 which the complainant could not attend as the complainant received a call from the office of SDO, UHBVN, Badli at 13:15 Hrs only on 25.10.2024, the very date fixed for hearing by CGRF. The CGRF failed to issue a speaking order in respect of each para of the complaint dated 20.08.2024 read with affidavit dated 30.09.2024 (filed by the complainant as directed by the CGRF on 25.09.2024) which the CGRF mentioned at page 5 to 40 of its order dated 19.11.2024. Further the CGRF has wrongly recorded that the complainant made a complaint regarding wrong imposition of electricity charges (at page 3 of order dated 19.11.2024) which is entirely in contradiction of my	Order passed by Hon'ble CGRF is matter of record and attached herewith.

	prayer mentioned by CGRF at page 40 of its order dated 19.11.2024 which exhibits the casual approach of CGRF towards the genuine grievances of the complainant.	
16.	Though, the CGRF has concluded that the CGRF has no jurisdiction to entertain cases falling under section 126 of the Act, yet the CGRF neither acceded to my prayer (at page 40 of CGRF order dated 19.11.2024) nor considered the contents of my affidavit dated 30.09.2024 which was filed on the directions of CGRF itself issued to the complainant on 25.09.2024 and also not considered rejoinder reply dated 02.11.2024 filed by the complainant.	Order passed by Hon'ble CGRF is matter of record and attached herewith.
17.	It is pertinent to submit that SDO, UHBVN, Badli is lawfully authorised to remove unauthorised connection falling under section 126 of the Act in the same manner the earlier SDO got the two unauthorised connections removed from plot no. 165 vide order dated 27.08.2020 and again vide order dated 04.02.2022.	The connection removed by the then SDO is matter of record.
18.	In view of the submissions made by SDO, UHBVN, Badli before the CGRF on 25.10.2024 in absence of the complainant and the decision of Hon'ble CGRF, the unauthorised connection of Sh. Parvinder Singh falls under section 126 of Electricity Act, 2003 being a case of 'unauthorised use of electricity' which is required to be removed by the SDO, UHBVN, Badli and that the case of the complainant falls under section 56 of the Act which is required to be restored by SDO, UHBVN, Badli.	Order passed by Hon'ble CGRF is matter of record.
19.	That under the provisions of section 145 of the Act, it has been clearly provided that the civil court has no jurisdiction to pass any order / injunction in respect of cases falling under section 126 of the Act.	Hon'ble Civil jurisdiction to Court have entertain the matters false under the electricity act in view of the numerous judgments passed by the Hon'ble High Court as well as the Apex Court. However, concerned SDO has no power raise any to question against the territorial jurisdiction of the Hon'ble Civil Courts.
20.	That vide order dated 01.03.2011 the Hon'ble Punjab and Haryana High Court has been pleased to hold that the civil court has no jurisdiction to pass any discretionary orders in cases falling under section 126 of the Act and that the SDO, UHBVN, Badli has complete authority to remove unauthorised connection of Sh. Parvinder Singh and restore the electricity connection of the complainant independently of the litigation.	Order passed by the Hon'ble Punjab and Haryana High Court is matter of record. The concerned SDO is bound to comply with the orders of the Hon'ble Civil Courts.
21.	That it is now beyond any doubt that full default amount of Rs. 51913/- has been deposited in the account no. HD05-1436F on 11.08.2020 and as per section 56 of the Act, the disconnected connection of the complainant was / is immediately required to be restored.	Amount deposited by the applicant is matter of record. As per nigram instructions there is no provision to restore the supply as alleged by the applicant. In the present scenario the applicant is not intitled for the restoration of his old connection.

22.	That the CGRF was required to pass orders for restoration of my connection in view of its order dated 19.04.2022 passed in complaint no. UH/CGRF/43/2022 filed by Smt. Bimla Devi of Bahadurgarh as no cross supply of electricity is allowed in the same premises of plot no. 165 and the connection of Parvinder Singh would have been removed and installed at the premises i.e. in Lal Dora for which his connection was sanctioned.	Order passed by Hon'ble CGRF is matter of record.
23.	That as per order dated 19.04.2022 passed by Hon'ble CGRF in the case of Smt. Bimla Devi, the electricity connection discontinued due to default in payment is required to be immediately restored on payment of full default amount, therefore the Hon'ble CGRF has not considered the ratio and principle of its own order dated 19.04.2022 passed in the case of Smt. Bimla Devi, if the disconnection is older than six months the consumer is required to apply afresh in order to get his connection restored, however, the CGRF has discriminated with the complainant w.r.t to its order dated 19.04.2022 vis-a-vis its order dated 19.11.2024.	Order passed by Hon'ble CGRF is matter of record.
24.	That the complainant / applicant applied for new connection on 14.02.2022 and an amount of Rs. 7375/- has also been deposited on 19.02.2022 in the office of SDO, UHBVN, Badli towards fees for new connection.	Application or amount deposited by the applicant is matter of record.
25.	That SDO, UHBVN, Badli vide his letter dated 16.04.2024 has provided to the complainant / applicant under RTI the copies of application for new connection filed by Sh. Parvinder Singh on 28.06.2021 and the copy of Sarpanch letter dated 01.05.2021 where new connection was sanctioned by SDO, UHBVN, Badli for Lal Dora house of Sh. Parvinder Singh while considering the Sarpanch letter as the proof of ownership of the premises, however, Sh. Parvinder Singh surreptitiously got his connection unauthorisedly installed at plot no. 165 by hoodwinking and misleading UHBVN officials of Badli office.	The information sought by the applicant was duly supplied by the Nigam.
26.	That vide the Electricity (Removal of Difficulties) Order, 2005, the electricity supply is disconnected in case of theft or unauthorised use of electricity.	Subject matter of record.
27.	That the earlier SDO, UHBVN, Badli, vide his reply dated 17.02.2022 filed on affidavit on oath in the civil court Bahadurgarh, which have even no jurisdiction to entertain or pass nay injunction in the matter, has stated as follows:- "3. That in reply to para 3 of the plaint it is submitted that the plaintiff fraudulently obtained the electricity connection A/c No. H14-HD05-2364P on the basis of manipulated and false documents".	The reply filed by the SDO is matter of record.
28.	That the present SDO, UHBVN, Badli vide his memo no. 4320 dated 10.09.2024 has informed the Hon'ble Ombudsman, HERC, that the electricity connection in the name of Sh. Parvinder Singh was restored on the order of Hon'ble Civil Court, Bahadurgarh dated 18.02.2022. It is pertinent to mention that the Hon'ble Civil Court, Bahadurgarh, even having no jurisdiction, directed the SDO, UHBVN, Badli to restore the connection of Sh. Parvinder Singh as per rules.	If applicant have any objection against the order passed by the Hon'ble Civil Court then he has legal remedy to file appeal against that order but applicant instead of filing appeal being habitual complainant filed various complaints before different platforms. However, applicant can't

		raise such objections regarding the order passed by the Hon'ble Civil Court through the present complaint.
29.	The SDO, UHBVN, Badli in his letter dated 10.09.2024 has not mentioned under which rule the unauthorised connection of Sh. Parvinder Singh was restored which was disconnected on 04.02.2022 being the case of unauthorised use of electricity.	The concerned SDO restored the connection of said Sh. Parvinder Singh on the directions of Hon'ble Civil Courts and if the applicant has any objection against that order he should file an appeal before the competent appellate Court.
30.	That the applicant vide his letter dated 02.11.2024 replied to the said replies of the SDO, UHBVN, Badli dated 24.09.2024 and 25.10.2024 to the Hon'ble CGRF, Panchkula, S.E. OP, UHBVN Jhajjar, XEN OP, UHBVN Jhajjar and SDO OP UHBVN, Badli via emails which neither the SDO nor the CGRF considered.	Matter of record.
31.	That on the complaint of applicant, the earlier SDO, UHBVN, Badli vide orders dated 27.08.2020 removed the unauthorised connection no. H14-HD05-2039P unauthorisedly installed by the father of Sh. Parvinder Singh at plot no. 165 in connivance with his nephew Sunil Kumar S/o Devi Ram.	Matter of record.
32.	And again vide order dated 04.02.2022 pursuant to the direction dated 18.08.2021 passed by Hon'ble Ombudsman, HERC to the SE, OP, UHBVN Jhajjar removed the connection obtained unauthorisedly / fraudulently by Sh. Parvinder Singh at plot no. 165 being the case of unauthorised use of electricity falling under section 126 (6) (b).	Matter of record.
33.	That in the present case also, the Hon'ble Electricity Ombudsman issued necessary direction vide letter dated 06.07.2023 to the S.E. OP, UHBVN, Jhajjar to take necessary action in the matter, however, no action has been taken in the matter by the concerned officers of UHBVN.	Order passed by the Hon'ble Electricity Ombudsman is matter of record. However, all the orders passed by the competent authority are duly complied with by the nigam.
34.	It is submitted that issuing orders of removal of illegal connection in the case of unauthorise use of electricity falling under section 126 (6) (b) is under the purview of distribution licensee / SDO, UHBVN, Badli and the Hon'ble CGRF.	Needs no reply.
35.	That under the provisions of the Electricity Act, 2003 The Electricity (Removal of difficulties) Order, 2005 has been framed in respect of electricity supply code in terms of section 50 of the Act, to remove the difficulties of distribution licensee in controlling theft or unauthorised use of electricity as per section 2 (ii) of The Electricity (Removal of difficulties) Order, 2005.	Needs no reply.
36.	That vide Section 9 CPC it has been provided that the Hon'ble Civil Court have Jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred. It is submitted that under the provisions of the electricity Act 2003, being a special and Central Act, the Hon'ble Civil Court have been barred to take cognizance on the subject matter as contained in Section 145 of the said electricity Act 2003.	Matter of record.

37.	<p>That vide section 145 of the Electricity Act 2003 the jurisdiction of this court has been barred which is reproduced as follows :-</p> <p>“145. Civil court not to have Jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an assessing officer referred to in section 126</p> <p>or</p> <p>an appellate authority referred to in section 127</p> <p>or</p> <p>the adjudicating officer appointed under this Act is empowered by or under this Act to determine</p> <p>and</p> <p>no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act”</p>	Matter of record.
38	<p>The Hon'ble Supreme Court orders pertaining to the matter.</p> <p>The Hon'ble Court in the case of Ram Chandra Singh vs Savitri Devi and Ors, (2003) 8 SCC 319, has been pleased to hold as follows:-</p> <p>“15. Fraud as is well-known vitiates every solemn act. Fraud and justice never dwells together”</p> <p>“17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentations may also give reason to claim relief against fraud”</p> <p>“18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by willfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representation which he known so be false, and injury ensues there from although the motive from which the representations proceeded may not have been bad.”</p> <p>“28. In S.P. Chengalvaraya Naidu vs. Jagannath (1991 (1) SCC 1) this court in no uncertain terms observed: -</p> <p>(i) The principles of "finality of litigation" cannot be passed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants.</p> <p>(iv) We are constrained to say that more often than not process of the courts is being abused. Property-grabbers, tax-evaders, bank-loan dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal gains indefinitely.</p>	It does not relate to this office. However, the orders of the Hon'ble Supreme Court are matter of record.
39.	<p>The Hon'ble Supreme Court in the case of Harshad Chiman Lal Modi Vs. DLF Universal Ltd., (2005) 7 SCC 791, vide para 30 has been pleased to hold as under: -</p> <p>“..... Jurisdiction as to subject matter, however, is totally distinct and stands on a different footing. Where a court has no Jurisdiction over the subject matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause of matter. Any order passed by a court having no jurisdiction is a nullity”</p>	
40.	<p>That the Hon'ble Supreme Court in the case of Sahebgouda Vs Ogeppa, (2003) 6 SCC 1512, has been pleased to hold as under: -</p> <p>“a statute ousting the Jurisdiction of a court must be strictly construed.”</p>	

41.	<p>That it has further been held by the Hon'ble Supreme Court in the case of Dhruv Green Field Ltd Vs Hukam Singh, AIR 2002 SC 2841 hold as under:</p> <p>“court has no jurisdiction if there is a express provision in any special Act barring the Jurisdiction of Civil Court.”</p>
42	<p>The Hon'ble Court in the case of Ram Chandra Singh vs Savitri Devi and Ors, (2003) 8 SCC 319, has been pleased to hold as follows: -</p> <p>“15. Fraud as is well-known vitiates every solemn act. Fraud and justice never dwells together”</p> <p>“17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentations may also give reason to claim relief against fraud”</p> <p>“18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by willfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representation which he known so be false, and injury ensues there from although the motive from which the representations proceeded may not have been bad.”</p> <p>“19..... Fraud is proved when it is shown that a false representation has been made knowingly, or without belief in its truth, or recklessly, without caring whether it be true or false.”</p> <p>“24. An act of fraud of Court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of the others in relation to a property would render the transaction void ab initio. Fraud and deception are synonymous.”</p> <p>“26... Fraud is anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine including res-judicate.”</p> <p>“28. In S.P. Chengalvaraya Naidu vs. Jagannath (1991 (1) SCC 1) this court in no uncertain terms observed: -</p> <p>(i) The principles of "finality of litigation" cannot be passed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants.</p> <p>(iv) We are constrained to say that more often than not process of the courts is being abused. Property-grabbers, tax-evaders, bank-loan dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal gains indefinitely.</p> <p>(vi) A fraud is an act of deliberate deception with the design of security something by taking unfair advantage of another.</p> <p>(vii) It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage...</p> <p>“39. It is now well-settled that an order passed by a court without jurisdiction is a nullity. Any order passed or action taken pursuant there to or in furtherance thereof would also be nullities..... All orders and actions taken pursuant to or in furtherance thereof must also be declared wholly illegal and without jurisdiction and consequently are liable to be set aside. They are declared as such.”</p> <p>“40. It will bear repetition to state that any order obtained by practising fraud on court is also non-est in the eyes of law.”</p> <p>(vi) A fraud is an act of deliberate deception with the design of security something by taking unfair advantage of another.</p> <p>(vii) It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage...</p>

43	<p>That the Hon'ble Punjab and Haryana High Court vide order dt. 01.03.2011, after having probed the provisions of section 126, 127 and 145 of the electricity act 2003 has been pleased to hold as follows:-</p> <p>(j) "section 145 of the Act creates a bar that the civil court would have no jurisdiction to entertain any suit or proceedings in respect of which the assessing office referred to in Section 126 of the Act or an appellate authority referred to in Section 127 or adjudicating officer appointed under the Act is empowered by this Act to determined. The section 145 of the Act further clarifies that no injection would be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.</p> <p>ii) It is also well settled by now that where a complete hierarchy of Tribunals or Courts is provided by the statute to resolve and redress the disputes, then in the light of the alternative dispute redressal Form, the civil court has no jurisdiction when expressly and impliedly barred by the statute.</p> <p>iii) Even after disconnection made by the Nigam vide memo no. 5038 dated 22.09.2010, the respondent did not setup any claim before the competent authority, however, filed the present suit for injection.</p> <p>iv) Thus, while viewing the case from any angle, impugned order can be said to be in clear cut violation of the provisions of Section 126 of the Act. As such, the civil court's jurisdiction is completely barred.</p> <p>v) When once it is held that the civil court has no jurisdiction to try the suit then certainly the plaintiff respondent cannot be said to have a prima facie case in his favour for grant of injection. Since the civil court has no jurisdiction to try the suit, therefore, it is estopped to grant such discretionary relief. Both the courts below have taken wrong view of the matter while holding that the civil court has the jurisdiction to grant injection.</p> <p>vi) I have been informed by the Petitioner that during the pendency of this revision petition the connection has already been restored to the respondent. In this connection it is observed that if the connection is restored and compliance has been made by the party as per rules and instructions on payment of the assessed amount, then that would be deemed to have been restored independently of the litigation, otherwise, it would be suffice to say that the petitioners would be at liberty to undo the Act which was done temporarily pursuant to the orders passed by the courts below."</p>	The orders passed by Hon'ble Punjab and Haryana High Court are matter of record.
44.	<p>That the Hon'ble Punjab & Haryana High Court in RSA No. 3933 of 2017 (O&M) decided on 30.08.2017 has been please to hold as follows on the issue of jurisdiction of civil court: -</p> <p>(ii) Lastly, if the jurisdiction of the civil court is specifically excluded in particular matter, by name, then such provision excluding the jurisdiction of the civil court has to be given primacy.</p> <p>(iii) If one is to analyse the provision of Section 145 of the Act it is clear that the jurisdiction of the civil court has been barred in respect of the matters regarding which the 'Assessing Officer' have the jurisdiction under section 126 of the Act or the 'Appellate Authority' has the jurisdiction to decide the appeal under Section 127 of the Act. Still further, this provision excludes the jurisdiction in the matters</p>	The orders passed by Hon'ble Punjab and Haryana High Court are matter of record.

	regarding which the 'Adjudicating Officer' appointed under this Act is empowered to determine'	
45.	<p>It is submitted that the Hon'ble Supreme Court in the case of the Executive Engineer and another Vs. M/s Sri Seetaram Rice Mill; -2012 (3) Civil Court cases 68 has been pleased to hold as under: -</p> <p>"15 Upon their plain reading, the marked differences in the contents of Section 126 and 135 of the 2003 Act are obvious. They are distinct and different provisions which operate in different fields and have no common premises in law.</p> <p>In contradistinction to these provisions, Section 126 of the 2003 Act would be applicable to the cases where there is not theft of Electricity but the electricity is being consumed in violation of the terms and conditions of supply leading to malpractices which may squarely fall within the expression 'unauthorised use of electricity'</p> <p>17. Thus, it would be clear that the expression 'unauthorised use of electricity' under section 126 of the 2003 Act deals with cases of unauthorised use, even in absence of intention. These cases would certainly be different from cases where there is dishonest abstraction of electricity by any of the methods enlisted under section 135 of the 2003 Act. Therefore, there is a clear distinction between the cases that would fall under section 126 of the 2003 Act on the one hand and section 135 of the 2003 Act on the other. There is not commonality between them in law. They operate in different and distinct fields."</p>	The orders passed by Hon'ble Punjab and Haryana High Court are matter of record.
46.	<p>UHBVN SALES CIRCULAR NO. U-15/2018 DATED 20.09.2018</p> <p>Provisions made as per above circular are as follows:</p> <p>-</p> <p>(vii) In case of disconnected consumers, the reconnection will be made on payment of the lump sum amount or as the case may be the first instalment of the principal amount after charging RCO fee as applicable without reckoning it as a new case, provided the disconnection has been effected within six months. In case of disconnection older than six months, the applicant shall be treated as a new consumer. However, in the case of BPL families, the reconnection will be made without charging any RCO fees.</p>	Matter of record.
47.	<p>CONSUMER GRIEVANCES REDRESSAL FORUM ORDER DATED 19.04.2022</p> <p>That the CGRF, UHBVN Kurukshetra, while deciding a similar case of reconnection which was disconnected due to non payment of default amount by one Smt. Bimia Devi of Bahadurgarh, vide its order has been pleased to decide as follows: -</p> <p>Decision: - After examining the reply of the respondent SDO, the record available on the file and hearing both the parties, the forum has observed that consumer meter was removed vide PDCO No. 17/574 on defaulting amount of Rs. 74462/- and the consumer paid Rs. 40000/- P.P. on dated 01.02.2022 and net balance amount of Rs. 34462/- is still outstanding. The SDO/Respondent intimated that the consumer wants waiving off her defaulting amount and also wants to get her connection released without getting deposited the outstanding defaulting amount.</p> <p>The forum has examined the reply of SDO / Respondent and found same in order. Since the release of electricity connection of disconnected consumer is possible only when she clears the full defaulting amount. Hence, the forum directs SDO/</p>	Matter of record. However, the order has no connection with the present case.

	<p>Respondent to release the connection of the complainant as soon as she clears the defaulting amount and applies afresh for new connection.</p> <p>Sd/- 19.04.2022 Sd/- 19.04.2022</p> <p>Narender Kumar R. K. Sharma Member/Technical, Chairman, CGRF, Kurukshetra CGRF, Kurukshetra</p>	
48.	<p>Hon'ble Supreme court orders on the issue of Jurisdiction of Civil Courts</p> <p>That on the issue of Jurisdiction of subject matter, the Hon'ble Supreme Court in the case of Harshad Chimani Lal Modi Vs. DLF Universal Ltd., (2005) 7 SCC 791, vide para 30 has been pleased to hold as under: -</p> <p>".....Jurisdiction as to subject matter, however, is totally distinct and stands on a different footing. Where a court has no Jurisdiction over the subject matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause of matter. Any order passed by a court having no jurisdiction is a nullity"</p>	The orders passed by Hon'ble Punjab and Haryana High Court are matter of record.
49.	That the Hon'ble Supreme Court in the case of Sahebgouda Vs. Ogeppa, (2003) 6 SCC 1512, has been pleased to hold that a statute ousting the Jurisdiction of a court must be strictly construed.	The orders passed by Hon'ble Supreme Court are matter of record.
50.	That it has further been held by the Hon'ble Supreme Court in the case of Dhruv Green Field Ltd Vs Hukam Singh, AIR 2002 SC 2841 that court has no jurisdiction if there is a express provision in any special Act barring the Jurisdiction of Civil Court.	
51.	<p>It is pertinent to mention that the Hon'ble Supreme Court in the case of B.N. Hazarika Vs State of Assam, AIR 2013 SC 234 has been pleased to hold as follows: -</p> <p>State is required to act fairly giving the due regards and respect to rules framed by it"</p>	
52.	<p>It is pertinent to mention that the Hon'ble Supreme Court in the case of R. Unnikrishnan Vs. VK Mahunudevan, AIR 2014 SC 1201 (1206) has been pleased to hold as follows: -</p> <p>"The binding character of the judgements pronounced by the courts of competent jurisdiction is an essential part of rule of law"</p>	
53	<p>It is pertinent to mention that the Hon'ble Supreme Court in the case of Rupa Ashok Hurra Vs. Ashok Hurra, AIR 2002 SC 1771, has been pleased to hold as follows: -</p> <p>"The law declared by Supreme Court is the law of the land; it is precedent for itself and all the courts / tribunals and authorities in India"</p>	The orders passed by Hon'ble Supreme Court are matter of record.
54.	<p>It is pertinent to mention that the constitutional bench of five judges of Hon'ble Supreme Court in the case Kartar Singh Vs. State of Punjab, (1994) 3 SCC 569, has been pleased to hold as follows: -</p> <p>"The law is, what the judges say it is since the power to interpret the law vests in the judges"</p>	
55.	On the issue of prevailing of Hon'ble High Court orders over subordinate courts, the larger bench of Hon'ble Supreme Court in the case of Assistant Collector of Central Excise Vs. Dunlop India Ltd.,	

	(1985) 1 SCC 260 has been pleased to hold as follows:- “The better wisdom of the court below must yield to the higher wisdom of the court above”	
56.	It is submitted that the non-following the lawful provisions by the SDO, UHBVN, Badli and the Hon'ble CGRF by not issuing orders of removal of an unauthorised electricity connection and not restoring the connection of the complainant /applicant has caused much damage and inconvenience to the complaint / applicant as the ban fraudster consumer Sh. Parvinder Singh has illegally allowed to use electricity by the SDO, UHBVN, Badli and the CGRF which amounts to assist Sh. Parvinder Singh to keep grabbing the house property of plot no. 165 belonging to the complainant / his brothers and sisters.	The concerned SDO always followed the directions of the competent Court/Authorities There is no violation of an orde has been done on the part of the officials of the Nigan.
57.	That therefore, in view of the settled legal position under the Electricity Act and judicial orders of Hon'ble High Court and Supreme Court orders, the discretionary orders issued by Hon'ble Civil Court Bahadurgarh without jurisdiction is an order in nullity and the SDO, UHBVN, Badli is required to immediately remove the unauthorised /illegal connection provided in the name Sh. Parvinder Singh at plot no. 165 falling under section 126 (6) (b) and restore the connection in the name of complainant/applicant under section 56 of the Act as full default amount has already been paid by the complainant	The applicant have no right to raise such type of questions on the orders passed by the Hon'ble Civil Courts. Moreover, applicant have any grievance against the order of Hon'ble Civil Court, then he should have file appeal against that order. It is pertinent to mention here that applicant instead of fire appeal against the order of Han'ble Civil Court, filing fake, baseless and unnecessary complaints against the Nigam.
58.	That by taking proper lawful action by removing the unauthorised connection Sh. Parvinder Singh from plot no. 165 and installing the same at his lal dora house for which it was sanctioned and restoring the connection of the complainant at plot no. 165, Sh. Parvinder Singh would continue using electricity at plot no. 165 till the time Sh. Parvinder Singh vacates the house property of plot no. 165 belonging to the complainant / his other brothers and sisters.	The connection in the premises is restored as per the orders passed by Hon'ble Civil Court.
59.	It is submitted that the present representation is filed with genuine and sufficient cause as much damage and inconvenience has been caused / being caused to the complainant as the distribution licensee / SDO, UHBVN, Badli has been unlawfully allowing Sh. Parvinder Singh, who belongs to a mighty Gujjar community, by providing facility of electricity services to facilitate him to continue grabbing of house / property of plot no. 165 belonging to the complainant / with brothers / sisters who belong to poor scheduled caste community.	The concerned SDO restored the connection of said Sh. Parvinder Singh on the direction of the Hon'ble Civil Court.
60.	It is further submitted that the present representation /complaint may kindly be also considered as an appeal under sub section (5, 6, 7, & 8) of section 42 of the Electricity Act, 2003 read with para 7.2 and para 2.48 and 2.49 of the HERC notification no. HERC/34/2016 dated 11.07.2016 and HERC notification no. HERC /48/2020 dated 24.01.2020 respectively, against the order dated 19.11.2024 passed by the Hon'ble CGRF.	It does not relate to this office.

Apart from the above, the consumer is requesting to disconnect the supply in the said premises being used for unauthorised use of electricity falling under section 126 of the Electricity Act, 2003. In this context, your kind attention is drawn towards Chapter-11 (Jurisdiction) Section 2.27 of HERC notification no HERC/48/2020 dated 24.02.2020 providing for guidelines to the Licensees for establishment of Forum for Redressal of Grievances of the consumers for appointment of Ombudsman; for representation against non redressed of grievances of consumers and the time and manner of settlement of grievances by Ombudsman and for matters incidental and ancillary thereto, which is reproduced as under

Chapter-II Jurisdiction

2.27

The Forum may reject the grievance at any stage, through a speaking order, under the following circumstances:

- a) In cases where proceedings in respect of the same matter and between the some Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;
- b) In cases which fall under Sections 126, 127, 135 to 140, 142, 143, 146, 152 and 16: of the Act or the matters relating to open access granted under the Act
- c) In cases where the grievance has been submitted two years after the date on which the cause of action has arisen or after two months from the date of receipt of the orders of DSC; and
- d) In the case of grievances which are:
 - Frivolous, vexatious, malafide;
 - Without any sufficient cause; or
 - Where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected unless the Complainant has been given an opportunity of being heard.

Therefore, keeping in view of the above, the representation of complainant be disposed off.

E. Hearing was held on 18.02.2025, as scheduled. Both the parties were present during the hearing through video conferencing. During the hearing, the appellant submitted that respondent reply received today and requested for short adjournment to file rejoinder. The appellant is directed to submit rejoinder if any with an advance copy to the respondent. Acceding to the request of the respondent, the matter is adjourned and shall now be heard on 06.03.2025.

F. The appellant vide email dated 03.03.2025 has submitted rejoinder, which is as under:

Rejoinder to para wise reply to the Learned SDO, UHBVN, Badli is submitted as follows:

Para No.1: The Ld. SDO has admitted the order of CGRF order dated 19.11.2024 as matter of record which is under challenged before the Ld. Ombudsman.

Para No.2: The Ld. SDO has not replied to this para. However, it is submitted that the said CGRF order has been signed by Ld. Sh. R.K. Khanna who was not present during hearing the complainant on 25.09.2024 and therefore, the Ld. Sh. R.K. Khanna, the then Chairman of CGRF has falsely signed the CGRF Order and therefore, the CGRF Order is bad in law and against the cardinal principles of natural justice and hence, is an illegal order in the eyes of law. It is respectfully submitted that it is not expected from such a senior officer to put his false signature when he was not at all present on 25.09.2024 during hearing of the complainant as only two learned members namely Ld. Shri Hera Lal and Ld. Shri Narinder Kumar heard the complainant on 25.09.2024, therefore, the complainant is under the apprehension that Ld. Sh.R.K. Khanna as Ombudsman will be prejudiced against the complainant and will not be fair in the matter as he has already dismissed my complaint while being the Chairman of CGRF.

Para No. 3 and 4: The Ld. SDO has also not replied to these paras which are self-contained of the facts mentioned in the complaint/Appeal No. 40/2024.

Para No. 5, 9 to 18, 22 to 24, 26, 27, 30 to 33, 35 to 55 and 60 (regarding Para 60, the Ld. SDO has stated that the same does not relate to his office).

It is submitted that the Ld. SDO has admitted the contents of the above paras as matter of record whereby the Ld. SDO has admitted the provisions of Section 145 of the Electricity Act, 2003, Hon'ble Punjab and Haryana High Court and Hon'ble Supreme Court Orders as well.

3. However, in respect of the reply submitted by the Ld. SDO, the following is submitted:

Para No. 6 and 8: The Ld. SDO has admitted that there is no violation of any of the provision of Electricity Act or of the law of the land on the part of the L4. SDO and that all the notifications/circulars/instructions are duly followed. In reply to the same, it is submitted as follows:

- (a) It is submitted that the Ld. SDO is not following the provisions of Section 56 of the Electricity Act whereby it has been provided that the restoration of electricity connection which was disconnected due to default in payment on 29.06.2018 is immediately required to be restored upon depositing of the default amount in full which the complainant has deposited on 11.08.2020 and the complainant filed application on 09.09.2020 for restoration of his connection even before providing unauthorized electricity connection in the name of Shri Parvinder Singh by the earlier SDO, UHBVN, Badli on 19.07.2021.
- (b) That it is submitted that the Ld. SDO is not following the provisions of Para (VII) of UHBVN Sales Circular No. U-15/2018 dated 20.09.2018 wherein it has been provided that the reconnection will be made on payment of

lumpsum amount of default and in case the disconnection is older than six months, it would be treated as a new connection.

- (c) That it is submitted that the Ld. SDO vide para 24 of his reply has adned that the complainant filed for new connection in lieu of his old connection on 14.02.2022 as the disconnection was older then six months but much before the order passed by the Hon'ble Civil Court on 18.02.2022 without jurisdiction, though my connection was required to be restored immediately after payment of default amount on 11.08.2020.
 - (d) That it is submitted that the Ld. SDO vide para 53 of his reply has admitted the Hon'ble Supreme Court of India Orders as matters of record whereby the Hon'ble Supreme Court of India has been pleased to hold as follows: -
 - (i) The law declared by the Hon'ble Supreme Court of India is the law of the land.
 - (ii) The Law declared by the Hon'ble Supreme Court of India is the precedent for the Hon'ble Supreme Court of India and all Courts/Tribunals and Authorities in India.
 - (e) That the Ld. SDO is also an Authority under Govt. of Haryana and therefore, the law declared by the Hon'ble Supreme Court of India, being the law of the land is binding on the Ld. SDO and all higher Authorities of HERC as well.
4. It is submitted that the Ld. SDO vide his reply to Pars 19 has stated that Civil Court has jurisdiction to entertain the matters falling under the Electricity Act and that the Ld. SDO has no power to raise any question against the territorial jurisdiction of the Hon'ble Civil Court. In this respect the following is submitted;
- (i) That there are three types of jurisdictions being exercised by the Hon'ble Civil Courts as follows:
 - (a) Territorial Jurisdiction.
 - (b) Pecuniary Jurisdiction.
 - (c) Subject matter Jurisdiction.
 - (ii) It is submitted that the Ld. SDO vide Para 39 to 41, 48 to 51 have admitted the Hon'ble Supreme Court of India as matter of record whereby the Hon'ble Supreme Court of India has been pleased as follows: -
 - a) Jurisdiction as to subject matter is totally a different and stands on a different footing (Ref. Para 39).
 - b) That when a Court has no jurisdiction over the subject matter by reasons of any limitation imposed by statues, it cannot take up the cause of matter. (Ref. Para 39).
 - c) That any Order passed by a Court having no Jurisdiction is a nullity (Ref. Para 39).
 - d) That a statute ousting the jurisdiction of a Court mast be strictly construed (Ref. Para 40).

It is submitted that the statute being the Electricity Act, 2003 vide Section 145 has ousted the jurisdiction of the Civil Court to entertain the matters falling under Section 126 of the Electricity Act, being the case of "Unauthorised Use of Electricity", in view of the

Punjab and Haryana High Court Order dated 30.8.2017 admitted by the Ld. SDO vide Para 44 of his reply as a matter of record.

- e) That the Court has no jurisdiction if there is a express provisions in any special Act barring the jurisdiction of Civil Court. (Ref. Para 50).

It is submitted that the Electricity Act, 2003 being a special Act, contain express provision barring the jurisdiction of Civil Court vide Section 145 of the Act w.r.t. matters falling under Section 126 of the Act.

- f) That the State is required to act fairly giving the due regards and respect to Rules framed by it (Ref. Para 51).
- g) That the binding character of the judgments pronounced by the Courts of competent jurisdiction is an essential part of rule of law. (Ref. Para 52).

5. That in view of the above, Hon'ble Supreme Court of India judgments, the "subject matter jurisdiction" is not under the jurisdiction of the Hon'ble Civil Court.

6. It is submitted that the Ld. SDO vide para 20 had admitted the Orders of Punjab and Haryana High Court as a matter of record, however, the Ld. SDO has also stated that the SDO is bound to comply with the Orders of the Hon'ble Civil Courts. In reply to this Para, it is submitted as follows: -

- (i) The better wisdom of the Court below must yield to the higher wisdom of the Court above.

Therefore, the orders of Hon'ble Punjab and Haryana High Court and that of the Hon'ble Supreme Court of India must prevail over the orders of lower Court, i.e. the Hon'ble Civil Court at Taluk and District Level including the Civil Court at Bahadurgarh which has passed its discretionary orders on 18.02.2022 without jurisdiction on the subject matter of the case.

7. However, it is submitted that the Hon'ble Civil Court even vide non jurisdictional order directed the Ld. SDO to restore the connection of Shri Parvinder Singh as per rules as admitted by the Ld. SDO. In his letter dated 10.09.2024 placed at Page 91 of the complaint/Appeal.

8. That vide reply to Para 28, the Ld. SDO has not provided under which rule the unauthorized connection of Shri Parvinder Singh has been restored, rather stated that the Applicant cannot mise such objection. It is submitted that stopping the Complainant to state the material fact on which the Ld. SDO has not acted upon amounts to muffle the right of the Applicant Complainant and abdication of the responsibility on the part of Ld. SDO.

9. That vide Para 28 and 57, the Led SDO has advised the Applicant to file a appeal against the Hon'ble Civil Court Order dared 18.02.2022. In this respect, it submitted as follows:

- (a) That vide para 43, the Ld. SDO has admitted on matter on record the order dated 01.03.2011 passed by Hon'ble Punjab & Haryana High Court wherein the following order was passed:

- (i) That Section 145 of the Electricity Act creates a bar that the Civil Court would no jurisdiction to entertain any suit or jurisdiction to entertain any suit or proceedings in respect of matter falling under Section 12b of the Act.
- (ii) That where a complete hierarchy, in the light of alternative dispute redressal forum has been provided by the statute, the Civil Court has no jurisdiction when expressly or impliedly barred by the Statute.
- (iii) That therefore, the Civil Court is estopped to grant any discretionary relief and that the Civil Court has no jurisdiction to grant any injunction.
- (iv) That the Ld. SDO has the authority to restore the connection of the applicant independently of the Litigation" repeat, "independently of the litigation"
- (v) That the Ld. SDO is at liberty to undo the act which was done temporarily pursuant to the orders passed by the Civil Court on 18.02.2022

10. That in reply to para 34, the Ld. SDO has stated that the para needs no reply, meaning thereby that the Ld. SDO has admitted that issuing orders for removing of illegal connection in the case of "unauthorized use of electricity is under the purview of the SDO.

11. That therefore, in view of the above it is submitted that the Ld. SDO has the authority to remove an illegal connection being used for "unauthorized use of electricity falling under Section 12b of the Electricity Act, 2003, independently of the litigation.

12. It is further submitted that the applicant/complainant denies/oppose the reply given in any other paras not mentioned in this Rejoinder, adverse to the interest of the complaint, unless specifically admitted.

13. That the CGRF has not passed a speaking order and neither the applicant was heard by all the officers of the CGRF on 25.09.2024 who have signed the said order of dismissal of the complaint of the applicant complainant on the day of final hearing on 25.10.2024, the CGRF only heard the SDO only and the CGRF has not heard the complainant on 25.10.20124 at all. Hence, the CGRP order is bad in law as well.

14. That the complaint/appeal is not frivolous, vexatious or malafide but has been filed on sufficient cause and that not removing the unauthorized connection by the SDO, much less and inconvenience has been caused/being caused to Use complainant as by the unauthorized connection Sh. Parvinder Singh has been succeeding in unlawfully grabbing the joint house property of the complainant and other LR's of his father.

15. It is also submitted that the proceedings on the same matter and between the same complainant and the Licensee are not pending before any Court, Tribunal, Arbitrator or any other authority.

16. That rather, it is submitted that Sh. Parvinder Singh, who obtained the connection fraudulently and the same was removed by earlier SDO on 04.02.2022 has filed

Civil Suit No. 41/2022 in the Civil Court against the Ld. SDO and the Lid. Chairman-cum-Managing Director, UHBVN who again fraudulently of gained order dated 18.02.2022 from Civil Court for restoration of his connection at Plot No. 165 whereas he got his connection sanctioned for his house NO. 78, being a different premises, therefore, a case of "unauthorized use of electricity" falling under Section 125(6)(b)(v) of the Electricity Act, 2003.

Therefore, under the facts and circumstances of the case your good self is humbly prayed to allow the prayer made in the present appeal No. 40/2034 in the interest of justice.

- G.** Hearing was held on 06.03.2025, as scheduled. The respondent SDO present during the hearing and appellant not present during the hearing. During the hearing, respondent SDO submitted that rejoinder has been received and requested for 10 days time to file the reply. The respondent SDO is directed to submit reply in response to the rejoinder if any, with an advance copy to the appellant within 10 days from the date of this order.

Acceding to the request of the respondent, the matter is adjourned and shall now be heard on 07.04.2025.

- H.** Vide email dated 04.04.2025, respondent SDO, Badli has submitted written submission which is reproduced as under:-

In Continuation of reply filed vide Memo No. 4609 dated 06-02-2025 it is again submitted as under:

- i) That the basis of complaint file by Sh. Dharambir before Hon'ble Ombudsman is to provide electricity connection in his name on the disputed site and to disconnect the existing connection that is in the name of Sh. Parvinder.
- ii. That the existing connection in the name of Sh. Parvinder was restored temporarily as per the order of Hon'ble Civil Court Bahadurgarh vide civil suit no. 80 of 2022 dated 18.02.2022, Parvinder Singh s/o Sh. Balraj Singh Versus UHBVNL (copy of ibid order already provided).
- iii) That the title of land/site for ownership is disputed as another civil suit is pending before the court of Ms. Khushboo Goel, Ld. CJ(D), Bahadurgarh between Dharambir and others versus Sh. Parvinder. Therefore, the connection in the name of Sh. Dharambir can not be provided on the same disputed site.
- iv) That the Hon'ble civil court in its order dated 18.02.2022 (point no. 14) has stated that the re-installation/restoring of electricity connection temporarily does not give any title to Sh. Parvinder and this order shall be subject to the final outcome of this case
- v). That complainant wrongfully and with malafide intentions wants to pressurize the official of the Nigam by filing complaint through the platforms which have no jurisdiction to hear this case because as per HERC regulation

No.HERC/48/2020 dated 24.01.2020 Chapter-11 FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS point no. 2.27 the forum can not hear this case. The ibid point is reproduced as under:-

2.27 The Forum may reject the grievance at any stage, through a speaking order, under the following circumstances:

- a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority; b) In cases which fall under Sections 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act or the matters relating to open access granted under the Act

It is further submitted that the appeal hand filed by the appellant is based on apocryphal, counterfactual, delusive, spurious and wrong facts. The appellant is habitual litigant and remains engaged in filing false, baseless and manipulated complaints misusing the process of law at various platforms which has prevented the honest officials of the department from doing the services and the interest of public at large is also being effected only due to the illegal and unlawful act of the appellant as such these types of appeal filed by the appellant is required to be dealt with heavily with legal iron hands in order to save and protect the individual rights of the officials of the Nigam as well as precious judicial time of the Hon'ble courts of the land.

It is very much essential to submit here that, if a sight is drawn on the antecedent of the appellant it will show that the appellant, instead of availing the efficacious remedy available with the appellant as per rules, procedure and law of the land, the appellant has chosen illegal way to level false allegations against the Ld. Chairmen of CGRF as well as on the orders of the Hon'ble Civil Courts.

It is very apposite to draw the attention of the Hon'ble Electricity Ombudsman on the facts that the property over which the appellants wants to get restored the electricity connection is also disputed one as the title of the property is not clear and the dispute of title still pending before the Civil Courts Bahadurgarh. The appellant has no faith upon law of the land and he wants to drive the officials of the Nigam as per his own whims and choice.

The appeal of the appellant deserves dismissal and the respondent humbly request the Hon'ble Electricity Ombudsman to dismiss the appeal with heavy costs.

- I. Vide email dated 30.04.2025, appellant has submitted additional rejoinder which is as under:-

THE CRUX OF THE CASE IS THAT THE LD. SDO, VIDE HIS LETTER THAT 10-09.2024 ADDRESSED TO HON'BLE OMBUDSMAN (AT PAGE 91 OF THE APPEAL)

ADMITTED THAT HON'BLE CIVIL COURT VIDE ORDER DATED 18-02-2022 DIRECTED THE LD. SDO TO RE-STORE THE ELECTRICITY CONNECTION OF SHRI PARVINDER SINGH AS PER RULE, HOWEVER, THE LD. SDO FAILED TO PROVIDE THE RULE UNDER WHICH THE UNAUTHORISED CONNECTION OBTAINED FRAUDULENTLY ON THE BASIS OF FALSE DOCUMENTS IS RE-STORED, EVEN WHERE THE HON'BLE CIVIL COURT HAS NO JURISDICTION TO PASS ANY ORDER AS PER SECTION 145 OF THE ELECTRICITY ACT, 2003 AS THE MATTER FALLS UNDER SECTION 126 OF THE ELECTRICITY ACT, 2003.

Preliminary Submissions

1. It is humbly submitted that the Ld. SDO UHBVN, Badli vide his present written submissions appears to have been exercising his hatred towards the appellant/complainant and appears to have wilfully disobeying direction of law and regulations issued by Hon'ble Chairman HERC and appears to have been helping Sh. Parvinder Singh from punishment and forfeiture of property grabbed by Sh. Parvinder Singh and continuing enjoying the services of electricity illegally being allowed by the Ld. SDO at the cost of the appellant /complainant on the basis of caste as Sh. Parvinder Singh belongs to GUJJAR CASTE and the appellant/complainant belongs to poor schedule caste community inspite of the fact that the Ld. SDO UHBVN, Badli and the Hon'ble Chairman CGRF has admitted the connection provided in the name of Sh. Parvinder Singh at Plot No. 165 is unauthorised use of electricity falling under section 126 of the Electricity Act, 2003 for which as per section 145 of Electricity Act, 2003 the Hon'ble Civil Court Bahadurgarh has no jurisdiction to pass any injection.
2. The Ld. SDO UHBVN, Badli being a Public Servant instead of following rule of law has resorted to put baseless allegations on the Appellant /Complainant as an attempt to succeed in his malafide intention Which the Ld. SDO appears to have made up his mind and appears to have criminally conspired with Sh. Parvinder Singh lest Sh. Parvinder Singh should forfeiture the property on which Ld. SDO has unlawfully allowed Sh. Parvinder Singh to continue consuming Electricity even unauthorisedly, through connection obtained fraudulently on the basis of false documents.
3. That the Ld. SDO UHBVN, Badli is also wilfully disobeying direction of law with the intent to save Sh. Parvinder Singh from the punishment under the provisions of the Electricity Act, 2003 as Sh. Parvinder Singh dishonestly caused the said connection with overhead, service wires and service facilities, made by the Ld. SDO UHBVN, Badli on 19.07.2021 so as to abstract or consume or use electricity, the offence, for which there is a provision of punishment of Imprisonment upto three years or with fine or with both. (Ref. Sec 50 read with Sec. 135 of Electricity Act.)
4. That the field officials of Badli Sub Division like JE and line man were so involved in connivance and conspiracy when Sh. Parvinder Singh that then Sh. Parvinder Singh, with the unlawful help of JE / Lineman, dishonestly

Cut, removed, took away and transferred the electricity line, material and meter from a different pole and illegally installed / fixed the connection of one Sh. Sunil Kumar Sio Devi Ram being connection No. H14-HD05-2039P, at Plot Khasra 165 immediately after disconnection of my connection vide order dated 29.06.2018 (Refat page 41 of appeal) being connection A/c No. H14-HD05-1436F whereas connection had already been installed in the name of Sunil Kumar sanctioned by SDO UHBVN, Badli on 12.07.2017 (Ref at page: 40 of appeal) at a different premises than that of Plot No. 165.

5. That upon complaint filed by the Appellant/complainant the vigilance Deptt. officers, UHBVN, Rohtak upon checking on 17.08.2020 found the connection of Sunil Kumar A/c No. H14-HD05-2039-P installed at Plot No. 165 belonging to the Appellant (Ref. Page45 of Appeal) and consequently the SDO UHBVN, Badli vide order dated 27.08.2020 (Ref. Page 46 of Appeal) disconnected the Electricity Connection of Sh. Sunil Kumar from Plot No. 165.
6. That the concerned officials of Badli Sub Division found involved in unlawful activities in helping Sh. Parvinder Singh in unlawful cutting, removing the service line and meter of Sunil Kumar from another pole and transferring/installing the same to the Plot No. 165, were reportedly punished by the then SDO UHBVN, Badli for offence committed by them.
7. However, no action for punishment was taken against Sh. Parvinder Singh and no FIR was lodged against Sh. Parvinder Singh either under Section 135 or 136 for the following offences:-
 - (1) Offence committed immediately after disconnection of my connection due to default on 29.06.2020-Whoever, dishonestly cuts, remover, takes away or transfer any electric line material or meter from a tower pole is said to have of committed an offence of theft of electricity and material punishable upto imprisonment upto three years or fine or both (Ref. 135 of Electricity Act) for the offence of cutting, removed and transfer of elect. Line, material or meter than a pole in r/o connection of Sh. Sunil Kumar being connection no.H14-HD05-2039P and unlawfully transferred/installed at Plot No. 165.
 - (2) Offence committed on 19.07.2021 Whoever, dishonestly causes to be made any connection with overhead or service wires or service facilities So as to abstract or consume or use electricity shall be punishable with imprisonment for a term upto three years or fine or both. (Sh. Parvinder Singh dishonestly caused the UHBVN official to make connection in his name on 19.07.2021) (Ref. Sec. 135 of Electricity Act, 2003) at plot no. 165.
 - (3) Sec. 137 Punishment for receiving stolen property: Whoever, dishonestly receives any stolen electric line or material knowing or having reasons to believe the same to be stolen property, shall be punishable with imprisonment upto three years or with fine or with both.

It is submitted that when after disconnection of my connection vide order dated 29.06.2018, Sh. Parvinder Singh very much knew that the meter of the connection of Sh. Sunil Kumar S/o Devi Ran is stolen one and was dishonestly installed at plot no. 165 by Sh. Parvinder Singh.

(4) Sec. 138 Interference with meter or work of licensee:-

(1) Whoever.-

(a) Unauthorisedly connects any meter, indicator, apparatus with electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line or

(b) xxx

(c) xxx

(d) xxx

Shall be punished with imprisonment for a term which may extend to three years or with fine or Rs. 10000/- or with both.

It is submitted that Sh. Parvinder Singh unauthorisedly connected the meter of Sunil Kumar after 29.06.2018 with the electricity line through which electricity is supplied in front of Plot No. 165 and that Sh. Parvinder Singh, with the connivance and in criminal conspiracy with the official of the licensee and with Sh. Sunil Kumar, unauthorisedly disconnected the meter of Sunil Kumar from the electric line passing in front of house of Sh. Sunil Kumar immediately after 29.06.2018.

8. That the Ld. SDO, has admitted vide his letter dated 04.03.2024 that Sh. Parvinder Singh S/o Balraj fraudulently obtained the electricity connection A/c No. HD14-HD05-2364P on the basis of manipulated and false documents. (Ref. Page 87 of Appeal)

9. That the Ld. SDO vide his letter dated 04.03.2024 has also admitted as follows:-

"It is no need to make any comments on the sale circulars and judgements passed by the Hon'ble High Court and Apex Court as the same are matters of record." (Ref at page 86 of Appeal).

10. That the Ld. SDO has admitted vide para 12 to 14 each of his reply dated 24.09.2024 that during investigation by the then SDO, it was found that FRAUD DOCUMENTS were provided by the applicant and consequently meter got removed with the help of police. (Ref, at page 104 of Appeal).

11. That the Hon'ble CGRF vide its order dated 19.11.2024 has dismissed the complaint of the Appellant on the grounds that the matter falls u/s 126 of the Electricity Act, 2003 and the CGRF has no authority to entertain any complaint u/s 126 of the Electricity Act, 2003. (Ref. Hon'ble CGRF decision at page 191 of Appeal)

Fact admitted by Ld. SDO and Hon'ble CGRF

12. That now it is beyond any doubt or any ambiguity that the connection provided in the name of Parvinder Singh falls under Section 126 of the Electricity Act, 2003.

Jurisdiction of Hon'ble CGRF

13. Admittedly, the Hon'ble CGRF would not entertain any complaint filed by Sh. Parvinder Singh for restoration of his connection where connection has been removed by the Ld. SDO being "unauthorised use of Electricity falling under Section 126 of the Act of 2003.
14. It is submitted that it is not a case of the Appellant for restoration of unauthorised connection falling under Section 126 of the Act of 2003 as the complainant/Appellant has requested to restore his connection disconnected vide order dated 29.09.2018 due to default where the full default amount of Rs. 51913/-has been deposited on 11.08.2020.
15. That the prayer of the Complainant/Appellant is covered u/s 56 of the Act of 2003 where the Hon'ble CGRF has its jurisdiction to entertain the complaint of the Appellant.
16. It is pertinent to mention that the Hon'ble CGRF in this case of Smt. Bimla Devi of Bahadurgarh has entertained the similar case (under Sec. 56 of the Act 2003) whereby the Hon'ble CGRF vide its order dated 19.04.2022 directed the concerned SDO, UHBVN to release the connection of the complainant as soon as she clears the defaulting amount and applies for new connection. (Ref, at Page 23/para 47 of Appeal).
17. It is further pertinent to mention that the Complainant / Appellant in the present case has already cleared the default amount on 11.08.2020 and also applied for new connection on 14.02.2022 and Paid 7375/- as fees for new connection on 19.02.2022. (PI. Ref. at Pages 43, 70 and 71 respectively of the Appeal)
18. Therefore, the Hon'ble CGRF has the Jurisdiction to order for removal of unauthorised connection and to order for restoration of the connection of the Appellant disconnected due to default under the provisions of Section 56 of the Electricity Act, 2003 as prayed for by the Complaint / Appellant.

CONSTITUTION OF APPROPRIATE FORUMS FOR REDRESSAL OF GRIEVANCES UNDER THE ELECTRICITY ACT, 2003.

19. That to redress the grievances of the consumers the HERC / UHBVN, under the Act, of 2003 has provided the following grievance redressal forums mechanism:-
- (1) That vide sales circular no. U-15/2018 dated 20.9.2018, the UHBVN has been pleased to make provisions whereby vide para (XVII) it has been provided as follows:-

"In case any consumer is aggrieved with any order /decisions of the Sub Divisional office, he can file an Appeal before the Executive Engineer Concerned. On receipt of an Appeal, the Executive Engineer shall decide the same within three working days" (Ref. at Page 59-61 of the Appeal)

(ii) That the Hon'ble Chairman, HERC has been pleased to make regulations called "Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer and (Electricity ombudsman) Regulations, 2004 whereby the Consumer Grievances Redressal Forum have been constituted for redressal of grievances of the consumers."

(iii) That under Section 42 of the Electricity Act, 2003, the Hon'ble Ombudsman has been appointment to hear the cases of grievances filed by the consumers against the orders of the CGRF.

20. Therefore, the HERC / UHBVN has provided appropriate Forums for resolution of grievances / disputes of the consumers under the provisions of Rule 15 of the Electricity (Rights of Consumers) Rules 2020 made under the Electricity Act, 2003.

21. It is pertinent to mention that the Hon'ble Supreme Court in the case of C.T. Nikam Vs. Municipal Corporation reported as AIR 2002 SC 997 has been pleased to hold that where appropriate Forum for resolution of dispute have been constituted under the Act, Jurisdiction of civil court in impliedly barred.

WILFULLY NOT FOLLOWING OF GRIEVANCE REDRESSAL MECHANISM BY SH. PARVINDER SINGH

22. That Sh. Parvinder Singh was fully knowing that he had obtained his Electricity Connection fraudulently on the basis of manipulated and false documents and he would not at all get any relief in case he filed appeal in the office of Executive Engineer, UHBVN, Jhajjaras provided vide Nigam Sale circular no. U-15/2018 dated 20.09.2018, for restoration of his unauthorised connection which was disconnected being so, by the then SDO, UHBVN, Badli on 04.02.2022 (Ref. at page 58 of the Appeal)

PLAYING OF FRAUD, SUPPRESSION OF MATERIAL FACTS AND FILING OF FALSE CASE BY PARVINDER SINGH IN HON'BLE CIVIL COURT, BAHADURGARH.

23. That Sh. Parvinder Singh as being habitual apart from playing fraud with the SDO, UHBN, Badli in obtaining connection fraudulently on the basis of false and manipulated documents as admitted by the SDO, UHBVN, Badli further played fraud with Hon'ble Civil Court, Bahadurgarh and stated on oath via his affidavit that he applied for

domestic connection for Plot / House No. 165 whereas as per his application for new connection he applied for new connection for his house no. 78 Lal Dora as per letters issued by the Ex-Sarpanch of the village on 29.03.2022 (Ref. Page 80 of appeal) and letter dated 16.04.2024 provided by the Ld. SDO, UHBVN, Badli under RTI enclosing therewith application dated 28.06.2021 (Ref. Page 50 of the Appeal) filed by Sh. Parvinder Singh for new connection for his H. No. 78 and Ex. Sarpanch certificate dated 01.05.2020 (Ref. Page 51 of the Appeal) which was considered as proof of ownership by the SDO, UHBVN, Badli (Ref. Page 52 of Appeal)

24. That upon filing complaint in your esteemed office, the Hon'ble Ombudsman vide letter dated 18.08.2021 (Ref. Page 56 of Appeal) directed the S.E., OP, Jhajjar to take necessary action and to send the compliance report to your esteemed office within 15 days.
25. That accordingly SDO, UHBVN, Badli vide memo no. 178 dated 20.12.2021 (Ref. at page 57 of Appeal) issued notice to Sh. Parvidner Singh to provide ownership document in r/o premises where his unauthorised connection was provided i.e. of Plot / Khasra No. 165 which falls out of Lal Dora and is a recorded plot in Jamabandi / Revenue Record the name of father of the complainant / Appellant (Ref. at page 28-29 of the Appeal) but Sh. Parvinder Singh completely failed to provide any ownership documents as admitted by the SDO, UHBVN, Badli in his reply dated 17.02.2022 filed in Hon'ble Civil Court (Ref at page 72-78 of the Appeal)

DISCRETIONARY ORDER ISSUED BY HON'BLE CIVIL COURT ON 18.02.2022 WITHOUT JURISDICTION ON THE SUBJECT MATTER:

26. That as per Section 145 of the Electricity Act, 2003 the Hon'ble Civil Court has no jurisdiction to pass any order / injunction in the matters pertaining to Section 126 of the Act of 2003, therefore, the orders passed by Hon'ble Civil Court on 18.02.2022 is passed without jurisdiction and the same is a nullity and therefore, is not a 'Rule of Law' to be followed in the matter.
27. However, even vide order dated 18.02.2022 passed by Hon'ble Civil Court without jurisdiction, it was directed to restore the connection of Sh. Parvinder Singh as per rule which has also been admitted by the Ld. SDO, UHBVN, Badli vide his letter / Memo No. 4320 dated 10.09.2024 (Ref.at page 91 of Appeal) written to the Hon'ble Electricity Ombudsman.
28. However, the Ld. SDO, UHBVN, Badli has not mentioned / stated in his reply dated 06.02.2025 or 04.04.2025 or in any other document as to under which rule the said unauthorised connection of Sh. Parvinder Singh has been restored as in view of even the non jurisdiction / discretionary order dated 18.02.2022 passed by Hon'ble

Civil Court the restoration of the said connecting was made subject to Rule of restoration. Therefore, the restoration of the said connection without there being any rule for restoration, is unlawful and requires to be removed under section 2 of the Electricity (Removal of difficulties) Order, 2005 made under the Electricity Act, 2003.

RULE OF LAW ADMITTED BY THE LD, SDO, UHBVN, BADLI

29. That the Ld. SDO vide para 20, 39 to 41, 48 to 51, 43, 34 has admitted the following as matter of record :-

- (i) The law declared by the Hon'ble of the land. Supreme Court of India is the law
- (ii) The law declared by the Hon'ble Supreme Court of India is the precedent for the Hon'ble Supreme Court of India, all Courts /Tribunals and authorities in India (Ref. Para 3 (d) (i) and (ii) of Rejoinder filed by the Appellant on 03.03.2025)
- (iii) When a court has no jurisdiction over the subject matter by reason of any limitations imposed by statutes, it cannot take up the matter.
- (iv) That any order passed by a Court having no jurisdiction is a nullity.
- (v) That the court has no jurisdiction if there is a express provisions In any special Act barring the jurisdiction of civil court.
- (vi) That the state is required to act fairly giving the due regards and respect to Rules framed by it.
- (vii) That the binding character of the judgement pronounced by the court of competent jurisdiction is an essential part of rule of law (Ref para (il) (b), (c), (e), (f) and (g) of the Rejoinder filed by the Appellant on 03.03.2025)

SDO, UHBVN BADLI ADMITTED HIS RESPONSIBILITY TO REMOVE UNAUTHORISED CONNECTION FALLING UNDER SECTION 126 OF ELECTRICITY ACT, 2003

30. That w.r.t. the contents of para 34 of the present Appeal the Ld. SDO, UHBVN Badli has stated that no reply is needed for the said para which has also been submitted by the Appellant vide para 10 of his rejoinder filed on 03.03.2025, meaning thereby that the Rule of law having been admitted by the Ld. SDO, UHBVN Badli it is now clear that civil court has no jurisdiction to pass any order to restore the unauthorised connection falling under Section 126 read with section 145 of Electricity Act, 2003 as also admitted by the Ld. SDO, UHBVN Badli,
31. That vide para 43 of the reply dated 06.02.2025 the SDO, UHBVN Badli has admitted the Hon'ble P & H High Court order dated 01.03.2011 passed in

Civil Revision No. 8271/2010 whereby the Hon'ble Court has been pleased to hold as follows:-

- (a) "I have been informed by the Petitioner that during the pendency of this Revision Petition the connection has already been restored to the respondent"
- (b) "In this connection it is observed that if the connection is restored and compliance has been made by the Party as per rules and Instructions on payment of the assessed amount, then that would be deemed to have been restored independently of the litigation.
- (c) Otherwise, it would suffice to say that the Petitioners would be at liberty to undo that act which was done temporarily pursuant to the orders passed by the courts below."

32. That in view of the above judgement of the Hon'ble P & H High Court, the temporally connection unlawfully restored pursuant to the civil court order dated 18.02.2022 passed without jurisdiction is required to be undone /removed by the Ld. SDO Independently of the litigation in absence of any rule of restoration of unauthorised connection falling under Section 126 of the Electricity Act, 2003.

And
The Restoration of the connection of the complainant / Appellant would be deemed to have been restored as per rules and instructions as the appellant has paid the full default amount and applied for new connection and deposited fees for new connection as well and therefore, the connection of the complainant is required to be restored u/s 56 of the Electricity Act, 2003,

33. However, the Ld. SDO, appears to have knowingly / wilfully favouring Sh. Parvinder Singh who belongs to non SC/ST community (Gujjar Caste) and wilfully being a Public Servant, disobeying directions of law which is an offence under the SC/ST (Prevention of Atrocities) Act, 1989 the relevant provisions are reproduced as under :-

OFFENCE OF ATROCITIES MENTIONED U/S 3 (2) (VA) OF THE SC/ST (PREVENTION OF ATROCITIES) ACT, 1989

3. Punishment of offences of atrocities
(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe "(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to file"

THE SCHEDULE
[(Sec Section 3 (2) (va)]
Relevant Section

Section under the India Penal Code	Name of offence and Punishment

217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
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MALICIOUS AND FALSE ALLEGATIONS MADE LD. SDO AGAINST THE APPELLANT/COMPLAINANT

34. That the Ld. SDO / Vide his written submissions dated 04.04.2025 has used derogatory, demeaning insulting and disparaging language by calling the complainant who belongs to Scheduled Caste, as
- (a) Habitual litigant
 - (b) Remains engaged in filing false baseless and manipulated complainants misusing the process of law at various platforms.
 - (c) Prevented the honest officials of the Department from doing the service.
 - (d) Interest of public at large is also being affected only due to the illegal and unlawful act of the applicant.
 - (e) Instead of availing the efficacious remedy available with the appellant as per rules, procedure and law of the land, the appellant has chosen illegal way to level false allegation against the Ld. Chairman CGRF as well as on the orders of the Hon'ble Civil Courts
35. That the Ld. SDO has further stated that the appeal filed by the appellant is required to be dealt with heavily with legal iron hands in order to save and protect the individuals rights of the officials of the Nigam as well as precious judicial time of the Hon'ble Courts of the land.
36. It is submitted that the Ld. SDO for whom the appellant has great regards, officially and individually, has levelled false and frivolous allegations on the appellant only on the basis of caste of the Appellant in order to derail the implementation of "Rule of Law pertaining to the grievances of the Appellant, which is not expected by an officer of the rank of SDO of the Nigam and therefore, an unbecoming conduct on the part of the Ld. SDO Sh. Vineet Malik who belongs to JAT caste as per informations of the appellant. It is humbly submitted that Public Servants belonging to JAT Caste never indulge in such demeaning/disparaging language while dealing with the persons of Scheduled Caste like the Appellant who is struggling for justice based on the law of land. The frustration shown by Ld. SDO clearly indicates that he is not willing to obey the directions of law of the land in respect of the complainant who belong to schedule caste community.
37. I am thankful to the Ld. SDO that he has not requested the Hon'ble Ombudsman to deal with the Appellant with a heavy iron rod but has been kind enough in requesting the Hon'ble Ombudsman to deal with the Appellant with heavy legal iron hand.
38. The Appellant also humbly prays the Hon'ble Ombudsman to decide the Appeal by putting the same to the heavy LITMUS TEST of law in the interest

of justice and fairness without being biased, malafide and prejudiced against the Appellant/Complainant.

39. It is humbly prayed that while not exercising any adverse / biased intention against the Appellant and not prejudicing the dismissal of my complaint on 19.11.2024 for passing reasoned speaking order as chairman, CGRF Ld. Sh. R.K. Khannaji, as the Ombudsman is prayed only to decide the matter fairly as per his "DHARMA AND KARMA" as Hon'ble Ombudsman, as the Appellant sincerely has great regards for Ld. Sh. R.K. Khanna Ji as the Hon'ble Ombudsman, HERC and with great hope expect that the Appeal would be decided in favour of the Appellant on the basis of 'Rule of Law by passing a speaking order without being prejudiced against the Appellant, personally or officially.
40. That passing a speaking order is a part of the principle of natural Justice as has been held by the Hon'ble Supreme Court in the case of Arjun Yadav V/s State of Jharkhand, AIR 1978 SC 851, as follows:-

"A non speaking order is opposed to the principle of natural Justice."

PARAWISE REPLY TO THE WRITTEN SUBMISSION FILED BY SDO, UHBVN BADLI ON 04.04.2025

41. In reply to para 'i'. It is submitted that under the Electricity Act, 2003 only the 'Premises' has been recognised where electricity connection is provided on the basis of documents of ownership or occupancy over the premises alongwith identity proof of the applicant seeking electricity connection. In the present case Sh. Parvinder Singh failed to provide any such proof of ownership of the premises which belongs the appellant (Ref. Sec. 4 (9) of The Electricity (Rights of the consumers) Rules, 2020) made applicable w.e.f. 31.12.2020 i.e. before providing of unauthorised connection to Sh. Parvinder Singh on 19.07.2021, which Sh. Parvinder Singh failed to provide pursuant to notice issued by the then Ld. SDO on 20.12.2021 (Ref. Page 57 of Appeal)
42. In reply to para 'i':- It is submitted that the order passed by Hon'ble Civil Court without jurisdiction is a nullity and the ratio and decidendi of Hon'ble Supreme Court / High Court orders prevails over the orders dated 18.02.2022, particularly the order dated 01.03.2011 by Hon'ble P & H High Court prevails over the order dated 18.02.2022.
43. In reply to para 'III': It is submitted that vide Section 2 (ii) of the Electricity (Removal of Difficulties) order, 2005, there is no such condition mentioned that to remove an unauthorised connection there must not be any suit pending in any court of law. However, the Ld. SDO appears to have been helping a fraudster / unauthorised consumer to grab the house property of the Appellant on one pretext or the other.
44. In reply to para 'iv': It is submitted as per sec 145 of the Electricity Act, 2003, the Hon'ble Civil Court has no jurisdiction to pass any other in the matters falling under section 126 of the Electricity Act, 2003. The Hon'ble Apex Court

and High Court orders on the issue of Jurisdiction already placed in the Appeal, Rejoinder and mentioned in the present additional rejoinder may kindly be referred.

45. In reply to para'v': It is submitted as follows:-

- (a) It is submitted that no proceedings in respect of the same matter between the complainant and the licensee i.e. between Dharambir Singh Vs. The S.D.O. UHBVN, Badli is pending before any court, tribunal, arbitrator or any other authority and therefore, the question of passing any decree or award or a final order by any such court, tribunal, arbitrator or authority does not at all arises.
- (b) Admittedly, the Hon'ble CGRF has no jurisdiction to entertain the complaints seeking restoration of unauthorised connection falling under Sec 126 of the Electricity Act, 2003.

It is submitted that there were two issues or decision before the CGRF as per affidavit filed by the Appellant on 30.09.2024 (Ref. at Page 190 of affidavit dated 30.09.2024)

The two issues are as follows:-

- (1) Issuing directions to the Ld. SDO to remove the unauthorised connection provided at Plot/House No. 165.
 - (II) Issuing and directions to Ld. SDO to restore the Electricity connection of the complainant / Appellant u/s 56 of the Electricity Act, 2003.
- (c) That while the CGRF has no jurisdiction to direct for restoration of an unauthorised connection falling under Sec. 126 of the Electricity Act, 2003 read with para 2.27 of the HERC regulations No. HERC/48/2020 dated 24.01.2020, the CGRF has the authority to order for removed of an unauthorised connection in terms of Sec 50/ electricity supply code read with Sec 2 (i) (il) of the Electricity (Removal of Difficulties) order, 2005 which is a part of electricity supply code under section 50 of the Electricity Act 2003 whereby the SDO is required to disconnect the supply of electricity and remove the meter, electricity line etc. in case of theft OR unauthorised use of electricity.
 - (d) That in respect of second prayer for restoration of the connection disconnected due to default, the CGRF has the jurisdiction to direct for restoration of the same u/s 56 of the Electricity Act, 2003 in view of the fact that full default amount has been deposited and the complainant / appellant has applied for new connection on 14.02.2022 and also deposited Rs. 7375/- towards fee for new connection on 19.02.2022 and the CGRF in a similar case of Mrs.Bimla Devi of Bahadurgarh has issued direction vide its order dated 19.04.2022 (Ref. at page 81 to 84 of the Appeal)

- (e) in reply to FIRST para below para 'v': It is submitted that the Ld. SDO appears to have exhale his invidious hatred for the Appellant on the basis of caste and has made false, malicious, demeaning and disparaging allegations against the Appellant lest the SDO should remove the unauthorised Electricity Connection fraudulently got installed by Sh. Parvinder Singh and lest Sh. Parvinder Singh should not forfeiture the property which he has forcefully grabbed and the Ld. SDO is not following the direction. of the low and helping the fraudster / unauthorised consumer Sh. Parvinder Singh.
- (f) That the Ld SDO has not advanced any document in support of his claim that the appeal of the complainant is apocryphal, counter factual, delusive, spurious and based on wrong facts.
- (g) That filling of complainants at various platforms provided under the Electrify Act, 2003 is the sight of the complainant for redressal of his grievances, which cannot be curtailed by the Ld. SDO.
- (h) That the Ld. SDO has not provided the details / incidents as to how the complainant has prevented the officials of the Department, honest or dishonest from doing their service and how the interest of public at large in effected and that how the filing of complaints for justice are illegal and unlawful acts of the complainant. It is submitted that attending to the complaints for redressal of grievances of the consumer and to reply to the Senior Officers is part of official duties of Ld. SDO.
- (I) That the Ld. SDO has failed to explain as to how the need to save and protect the individual rights of the officials of the Nigam by filing the complainant by the Complainant/Appellant for redressal of his grievances in the interest of justice.
- (j) That the Ld. SDO has failed to mention his authority of being an Hon'ble JUDGE / MAGISTRATE of any Hon'ble Courts of the land as only the Hon'ble Chief Justice of India has the authority to issue any mandate to save the precious judicial time of the Hon'ble Courts of the land i.e. of the Hon'ble Court in whole of India established to do justice to the aggrieved citizens. Such type of narratives indicates complete immaturity and exercising of caste hat red, animosity and vindictiveness for the consumer and therefore, the same is an example of unbecoming conduct on the part of the Ld. SDO while dealing with the complaints of consumers in his official duties.
- (k) However, as requested by the Ld. SDO the complainant /Appellant also request that the present appeal must be dealt with heavily with legal iron hands in the interest of justice and no extraneous consideration, malafide, arbitrariness, prejudices and biasedness on the basis of the caste of the complainant /Appellant may kindly be exercised while deciding the present appeal in the interest of justice.

46. In reply to second para below para: 'v' It is submitted as follows

- (a) That the statement of the Ld. SDO is in derogation to the provisions of law as mentioned vide Rule 15 of the Electricity (Rights of Consumers) Rules, 2020 whereby efficacious remedy available for redressal of grievances have been prescribed being the rules, procedure and law of the land under the Electricity Act, 2003.
- (b) That the complainant / Appellant has not levelled any false allegation against the Ld. Chairman, CGRF.
- (c) That further the statement of Ld. SDO is in derogation for the Electricity Act, 2003 whereby vide section 145 the jurisdiction of the Hon'ble civil court has been barred in the matters falling under sec. 126.
- (d) That it is the law of the land that Hon'ble High Court and Supreme Court orders prevails over the orders of the lower civil courts and submissions made by the Complainant / Appellant regarding jurisdiction of civil court does not at all amount to level any false allegation on the nullity orders issued by Hon'ble Civil Court without jurisdiction on 18.02.2022.
47. In reply the THIRD para below para'v': It is submitted as follows:-
- (a) That when the than SDO on 04.02.2022 removed the unauthorised connection of Sh. Parvinder Singh which was obtained fraudulently there was a civil case pending for recovery of possession of the plot no. 165 which Sh. Parvinder Singh and his other family members forcefully possessed, however, the than SDO removed the said unauthorised connection on 04.02.2022.
- (b) That the connection of Sh. Parvinder Singh was sanctioned for his Lal Dora house no. 78 and not for plot no. 165 which is a different premises as per the answering SDO in RTI vide letter dated 16.04.2024 (Ref. page 49 to 51 of the Appeal)
- (c) Further, the Ld. SDO vide his letter dated 04.03.2024 (Ref. page 86-90 of Appeal) has admitted that Parvinder Singh S/o Balraj fraudulently obtained the electricity connection A/c No. H14-HD05-2364P on the basis of manipulated and false documents.
- (d) That the Ld. SDO has also admitted in his letter dated 04.03.2024 that Parvinder Singh S/o Balraj obtained the electricity connection malafidely on the basis of manipulated certificate issued by Sarpanch Gram Panchayatismailpur showing the premises within Lal Dora whereas the property in question is recorded one as plot no.165 as is evident from the information supplied by Parvinder S/o Balraj itself.
- (e) That the Hon'ble Supreme Court in the case of S.P. Changaalvaraya Naidu V/s Jagannath reported as (1991) SCC/has been pleased to hold as follows:-

"The Principles of "finality of litigation cannot be passed to the extent of such an absurdity that it becomes on engine of fraud in the hand of dishonest litigants" (Pl. Ref. page 18-19/ para 42 in full of the Appeal)

- (f) It is submitted that whether there is a dispute of title or not, it is a case of removal of an unauthorised connection falling under section 126 of Electricity Act 2003 where there is no such condition that in case any consumer obtains connection even fraudulently in any premises other than the premises for which his connection was sanctioned such unauthorised connection cannot be removed.
 - (g) It is submitted that the Ld. SDO, being quite vindictive against the complainant on the basis of caste of the complainant and in order to help Sh. Parvinder Singh to continue with the facility of electricity to grab the property of the complainant has been putting false and frivolous allegations against the complainant.
 - (h) That in the administration of justice there is no place for whims and personal choices as all the grievances are decided under the law concerning to the grievances and the honest officials of the Nigam always keep themselves equipped and driven by the force of Rule, Regulation of the Nigam /HERC and orders of competent courts.
48. In reply to fourth para below para 'v':- It is submitted that the Appeal filed by the complainant deserves to be allowed and the Appellant humbly request the Hon'ble Electricity Ombudsman to allow the appeal by imposing heavy cost on the respondents and the illegal beneficiary Sh. Parvinder Singh
- Reg. not providing any document by the Ld. SDO with the intentions to suppress the contraventions under the Electricity Act, 2003.**
49. It is submitted that the Appellant/Complainant requested the Ld. SDO to provide certain document on 08.04.2025 and reminders dated 15.04.2025 and 22.04.2025. However, the Ld. SDO on 22.04.2025 made a false statement before the Hon'ble Ombudsman that the said documents have been provided to the Appellant during the hearing in CGRF.
50. It is submitted that the Licensee has already committed offence of non compliance of directions of HERC as mentioned in Section 142 of the Electricity Act, 2003, as follows:-
- (a) The Licensee had not disconnected the connection no. H-14-HD-05-1436F for default in payment after two months of default, rather allowed Sh. Parvinder Singh to consume Electricity for years together at plot house no. 165 without paying any electricity charges to the Nigam.
 - (b) The Licensee helped Sh. Parvinder Singh in committing the offence of removing the already installed connection of one Sh. Sunil Kumar at a different premises and illegally installed the same at Plot no. 165 after disconnection of connection of the complainant vide order dated 29.06.2018 from plot no. 165, hence a defaulted premises at that point of time.

- (c) The Licensee appears to have provided two meters under one connection of Sunil Kumar as meter no. 846169 was installed at the different premises of Sunil Kumar under SCO dated 12.07.2017 whereas a different meter no. 92898480 was removed from Plot no. 165 vide order dated 27.08.2020. (Please page 40 and 46 of the Appeal)
- (d) That no bill was raised by the licensee for about three years even for the connection of Sh. Sunil Kumar and Sh. Parvinder Singh was allowed the consume Electricity free of charge at plot no. 165 through the meter of Sunil Kumar No. H14-HD-052039P.
- (e) That the licensee failed to comply the directions issued by HERC vide notification dated 16.07.2024 / Regulation no. HERC/04/2024 whereby at Sl. No. 13 of the Schedule-I, It has been provided that reconnection of supply following disconnection shall be made within 12 hours of receipt of payment from consumer. It is submitted that the consumer/ appellant /complainant deposited the default amount of Rs. 51913/- in full on 11.08.2020 (Pl. Sec. page 43 of Appeal) and that there is no conditions in HERC notification dated 16.07.2004 for filing for new connection by the consumer in case disconnection is older than 06 months. The notification of HERC prevails over the instruction Issued by the Nigam on the particular subject matter.
- (f) That the licensee even failed to comply with the HERC Regulation No. HERC/04/2004 dated 16.07.2004 and did not reconnect the connection of the Appellant even after 09.09.2020 when the Appellant / Complainant requested the licensee to restore his connection vide letter dated 09.09.2020 (Pl. sec at page 47 of appeal)
- (g) That the licensee has contravened the provisions of section 56 of the Electricity Act 2003 by not restoring the connection of the Appellant upon payment of default amount on 11.08.2020 in full.
51. That under the provision of Sec. 142 of the Electricity Act, 2003 there is a provision of payment of penalty of Rs. One Lac for each contravention and in case of a continuing failure an additional penalty of Rs. 6000/- per day as the contravention of the provisions of Section 56 and contravention of HERC Regulation No. HERC/04/2004 dated 16.07.2004 has been continuing since 11.08.2020.
52. That the Licensee and/or Sh. Parvinder Singh are severally and jointly are liable to be penalised or Rs. Six Lacs. for the contravention and Rs. 6000/-per day of additional penalty, particularly after 11.08.2020 when full default amount was deposited, which comes to above Rs. 82,20,000/- for 1370 days since 11.08.2020 to 09.05.2025, OR at least 27,00,000/- for 450 days from 11.08.2020 to 17.02.2022, whichever, the Hon'ble Ombudsman may deem proper as on 18.02.2022 the Hon'ble Civil Court, Bahadurgarh passed order in nullity without jurisdiction, to be imposed and recovered either from the Licensee or from the illegal beneficiary Sh. Parvidner Singh and to be paid the Appellant/Complainant as damage.

**REQUEST TO RECUSE FROM HEARING THE PRESENT APPEAL OR
ALTERNATIVELY, REQUEST TO PASS A REASONED SPEAKING ORDER
WITHOUT ANY BIASED / MALAFIDE INTENTIONS OR PREJUDICE AGAINST
THE APPELLANT/COMPLAINANT**

53. It is further submitted that reconnection of disconnected connection as per HERC Regulation No. HERC/04/2004 dated 16.07.2004 amounts to providing of connection under section 43 of the Electricity Act, 2003 and for failure to provide electricity/reconnection in this case, there in a provisions of payment of penalty Rs. 1000/- [(Sec-43(d)] for each day of default by the Licensee to the consumer which comes to an amount of Rs. 13,70,000/- from 11.08.2020 to 09.05.2025 for 1370 days to be paid by the licensee to the Appellant / complainant which the licensee may recover from the illegal beneficiary Sh. Parvinder Singh.
54. It is submitted that as your goodself, being chairman CGRF has already dismissed my complainant vide your order dated 19.11.2024 and in the interest of fairness of justice your goodself is requested to recuse yourself from hearing deciding the present appeal and to refer the appeal to Hon'ble chairman to take necessary action in the matter as already requested by the complainant.
55. However, in case your goodself prefers to hear and decide the same than it is humbly prayed to decide the same by passing a reasoned speaking order by considering each and every submissions made by the complainant in Appeal, rejoinder and additional rejoinder filed by the complainant, without exercising any prejudice or malafide intentions against the complainant, it is humbly prayed to allenate my apprehensions of being deprived of fair justice.
56. It is submitted that it is the cardinal principle of law that justice should not only be done but it should also be seen to have been done.

J. Vide email dated 28.05.2025, respondent SDO, Badli has submitted written submission which is reproduced as under:-

Kindly refer to your interim order dated 09.05.2025 in case of Sh. Dharam Bir Singh of distt-Jhajjar. Kindly consider the reply as follows:-

- (a) In this context, it is intimated that Sh. Dharam Bir in his representation and replies to Hon'ble Ombudsman as well as Hon'ble CGRF has argued on the facts that this case is covered under Section-126 of Electricity Act. Hon'ble CGRF dismissed his appeal on the grounds that this is a case of Section-126 of Electricity Act which is not under jurisdiction of Hon'ble CGRF/Ombudsman.

During the hearing on 09.05.2025, Sh. Dharam Bir distorted the facts and argued that his complaint is covered under section 56 of Act, 2003 where Hon'ble CGRF/Ombudsman has its jurisdiction. However, section 56 of act, 2003 is related to disconnection of supply in case of default in payment and nowhere mentions the jurisdiction of any Forum. The relevant section of Electricity Act, 2003 is reproduced as under:

Section 56. (Disconnection of supply in default of payment): --"

- (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest,.

- (a) an amount equal to the sum claimed from him, or
 - b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.
- (2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity."
- (b) The documents on basis of which Sh. Parvinder was provided electricity connection are attached herewith as Annexure-A. However, it is pertinent to mention that the connection of Sh. Parvinder was disconnected by the Nigam on the complaint of Sh. Dharam Bir and only after that Sh. Parvinder moved to Civil court, Bahadurgarh to restore his connection. As per Civil Suit No. 80 of 2022 dated 18.02.2022, it has been made clear that the connection is to be temporarily restored in the name of plaintiff i.e. Sh. Parvinder Singh till the ownership of land is not decided.
- (c) The complainant Sh. Dharam Bir is pressurizing the Nigam officials to not obey the court order and disconnect the present temporary connection in the name of Sh. Parvinder which will be clear Contempt of Court.

From the above facts, it is clear that Sh. Dharambir has made representation to Hon'ble Ombudsman to consider his case in section-126 of Act, 2003 while as per HERC regulation No. HERC/48/2020 dated 24.01.2020 Chapter-II

FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS point no. 2.27, forum has no jurisdiction to hear such cases.

The ibid point is reproduced as under:

2.27 The Forum may reject the grievance at any stage, through a speaking order, under the following circumstances:

- a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority;
- b) In cases which fall under Sections 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act or the matters relating to open access granted under the Act.....

Further, the connection at site in dispute is temporarily restored as per court orders and only higher court has the power to repeal such orders.

Therefore, keeping in view of the facts, Hon'ble Ombudsman is requested to dismiss the appeal being its out of jurisdiction.

K. Vide email dated 30.05.2025, appellant has submitted additional rejoinder which is as under:-

1. That during hearing the matter by Hon'ble Ombudsman, HERC on 09.05.2025, the Appellant / Complainant, apart from pleadings on the other relevant issues of the case, particularly pleaded on the following material particular pertaining to the matter:-
 - (a) That the Appellant/Complainant pleaded before the Hon'ble Ombudsman to consider the provisions of HERC Notification No. HERC/04/2004 dated 16.07.2004 whereby in para 13 of schedule-I, it has been provided to re-connect the connection disconnected due to default within 12 hrs. (in rural area) of receipt of payment from consumer (Ref. at page A-12 enclosed) which is already in the knowledge of Ld. SDO.
 - (b) That the Appellant/Complainant pleaded before the Hon'ble Ombudsman to consider the order dated 01.03.2011 passed by Hon'ble Punjab and Haryana High Court in Civil Revision No. 8271 of 2010 (Ref. at page 30 to 39 already enclosed with my representation dated 02.12.2024.)
 - (c) That the Appellant / Complainant pleaded that the Ld. SDO is competent to remove a connection being used as "unauthorised use of Electricity" as per THE ELECTRICITY (Removal of Difficulties) ORDER, 2005 whereby vide Section 2 of the order, the measures have been provided to disconnect of Electricity Supply and removing of meter electricity line, electric plant and other apparatus in case of theft or unauthorised use of Electricity, under the electricity supply code as

specified by the State Commission i.e, the HERC under Section 50 of the Electricity Act, 2003 whereby it has been provided that the State Commission i.e. the HERC shall specify an Electricity Supply Code for "disconnecting the supply and removing of meter" and " restoration of supply of electricity" among other measures.

It is submitted that the Electricity (Removal of difficulties) order, 2005 has already been referred by the Appellant /Complainant vide para 35 of Representations dated 02.12.2024 at page 15.

- (d) That the Appellant / Complainant also pleaded for consideration of the provisions of Section 145 of the Electricity Act, 2003, the provisions of which have already been submitted vide para 30 of Representation dated 02.12.2024 filed by the Appellant / Complainant.
 - (e) That the Appellant/Complaint also pleaded for consideration of various judicial orders of Hon'ble Supreme Court on the issue of jurisdiction of Hon'ble Civil Court, Bahadurgarh and fraud played by Sh. Parvinder Singh on UHBVN and Hon'ble Court and already mentioned at para 38 to 42 of representation filed by Appellant /Complainant on 02.12.2024.
2. It is submitted that the connection of Sh. Parvinder Singh under Section 126, clause (b) (v) of the Electricity Act 2003 being "unauthorised use of Electricity" on the basis of which the Hon'ble CGRF vide order dated 19.11.2024 dismissed the complaint of the Appellant/Complainant and the Hon'ble Ombudsman vide interim order dated 09.05.2025 has also recorded as follows :-
- "SDO respondent further intimated that the case falls under Section 126 which is not in the jurisdiction of CGRF / Ombudsman which is also admitted by the complainant Sh. Dharambir Singh in his Appeal"
3. That in spite of the fact that the case falls under Section 126 of Electricity Act as admitted by the Appellant as well as by the Ld, SDO, the Hon'ble CGRF ought to have directed the Ld. SDO to remove the unauthorised connection of Sh. Parvinder Singh and re-connect the discounted connection in the name of Appellant and it is further submitted that the Hon'ble Ombudsman is also within its jurisdiction to direct the Ld. SDO to remove the unauthorised connection of Sh. Parvinder Singh and re-store connection of Appellant.
4. It is pertinent to submit that the Hon'ble CGRF and Hon'ble Ombudsman definitely have no jurisdiction to order for re-storation of "unauthorised connection" falling under Section 126 of the Act of 2003, however, the Hon'ble CGRF and Hon'ble Ombudsman do have their jurisdiction to order for removal of an "unauthorised connection" falling under section 126 of the Act and the Ld. SDO may be directed to follow the provision contained in Section 56 of the Act and the Electricity (Removal of difficulties) order, 2005 read with HERC Notification No. HERC/04/2004 dated 16.07.2004.

5. It is further submitted that as per Section 56 of the Electricity Act, 2003 the Licensee (Ld. SDO) may disconnect the electric supply line and may discontinue the supply until such charges are paid, BUT NO LONGER. It is submitted that the default amount in full being Rs. 51913/- has already been deposited on 11.08.2020 in disconnected A/c No. H14-HD05-1436-F of the Appellant and was / is required to be re-connected within 12 hours after receipt of payment of default amount for which the Appellant also requested the Ld. SDO vide letter dated 09.09.2020, however, no connection can lawfully be given in the name of other person on FAKE, fraudulent and false documents on the premises of plot /khasra no. 165 belonging to the Appellant from where the connection was disconnected due to default vide order of Ld. SDO dated 29.06.2018.
6. It is submitted that Sh. Parvinder Singh and his family who belongs to mightily Gujjar Caste, in order to grab the house property belonging to poor scheduled caste Appellant, fraudulently obtained connection in his name on the basis of false and manipulated documents as admitted by the than Ld. SDO Ashish Mahal in his reply filed in Hon'ble Civil Court on oath / affidavit on 17.02.2022 (Ref para 3 at page 73 to 76, being the reply dated 17.02.2022 placed at page 72 to 78 of representation of Appellant dated 02.12.2024) and also admitted by Ld. SDO Sh. Vipin Malik vide his letter / memo No. 3739 dated 04.03.2024 (Ref. Page 86 to 90 of the Representation of the Appellant dated 02.12.2024)
7. Therefore, in view of the above, the Hon'ble Ombudsman is humbly prayed to issue necessary directions to Ld. SDO to follow provisions contained in the following:-
 - (a) The Electricity (Removal of Difficulties) Order, 2005 issued under section 183 of the Electricity Act, 2003, in respect of Electricity supply code in terms of Section 50 of the Act.
 - (b) Section 56 of Electricity Act, 2003 read with para 13 of Scheduled 1 of HERC Notification No. HERC/04/2004 dated 16.07.2004.
8. It is submitted that the Ld. SDO, UHBVN, Badli is required to obey the lawful directions of law as mentioned hereinabove in foregoing para no. 7 which the Ld. SDO in duty bound to follow the same even without any directions issued by his senior officer including the Hon'ble Ombudsman.
9. That vide order dated 09.05.2025, the Ld. SDO was directed by Hon'ble Ombudsman to produce the documents of the file on which basis the connection has been released in the name of Sh. Parvinder Singh alongwith any other point relevant to the case within 2 days with a copy to the complainant. However, the same have not been provided by Ld. SDO to the Appellant for the reasons best known to Ld. SDO.
11. It is submitted that the Ld. SDO vide his memo no. 3864 dated 16.04.2024 has already provided to the Appellant under RTI, the copies of Application Form submitted by Sh. Parvinder Singh on 28.06.2021 where he has shown

his House No. 78 as the premises for installation of his new connection and the document of ownership of the premise being the certificate issued by the Ex-Sarpanch of the village on 01.05.2021 certifying his premises situated in LAL-DORA of the village, whereas Sh. Parvinder Singh fraudulently by hoodwinking the field officials of Ld. SDO office got his connection at Plot / House No. 165 which is out of Lal Dora and a recorded plot in the name of father of the Appellant Late Sh. Sada Sukh as recorded in the Jamabandi (Ref. Page 29 of representation of Appellant dated 02.12.2024)

Therefore, the Hon'ble Ombudsman is prayed for to allow the appeal of the complainant in the interest of justice and issue necessary direction to Ld. SDO to follow, in letters and spirits, the provision of Section 56 of Electricity Act, Notification No. HERC/04/2004 dated 16.07.2004 and the Electricity (Removal of Difficulties) order, 2005 framed under Electricity Act, 2003 and to remove then "unauthorised connection" of Parvinder Singh from Plot No. 165 and re-connect the supply in the name of Appellant.

The Appellant as is duty bound shall ever pray.

- L.** Hearing was held on 09.05.2025, as rescheduled. Both the parties were present. During the hearing, respondent SDO explained that complainant wants electricity connection at the disputed site where already a temporary connection in the name of Shri Parvinder Singh has already been released as per Hon'ble Civil Court Bahadurgarh vide Civil Suit No. 80 of 2022 dated 18.02.2022. SDO respondent further intimated that the case falls under section 126 which is not in the jurisdiction of CGRF/Ombudsman which is also admitted by the complainant Shri Dharmbir Singh in his appeal. Also, the title of the site where complainant wants connection is disputed as another civil suit is pending before the Court of Ms. Khushboo Goel, Ld. CJ(D), Bahadurgarh between Shri Dharmbir and other versus Shri Parvinder Singh. Also, SDO respondent intimated that the complainant will have to apply for new connection as he is not covered under the condition of Re connection as per Nigam Rules.

Shri Dharmbir Singh, complainant, during argument said that his complaint is covered under section 56 of Act, 2003 where the Hon'ble CGRF has its jurisdiction to entertain the complaint. Appellant/complainant requested to restore his connection disconnected by the order dated 29.09.2018 due to default and now full amount of Rs. 51913/- has been deposited by him on 11.08.2020. As per Civil Suit No. 80 of 2022 dated 18.02.2022, it has been made clear that if the plaintiff would pay all electricity bill as per rules. Moreover, admittedly no electricity charges are due. Therefore, in the interest of justice, the defendants are hereby directed to restore the electricity connection on the alleged account number, as per rule and on deposition of all the requisite fee by the plaintiff. However, this order shall be subject to the final outcome of this case.

Further, SDO respondent intimated that the connection was released in the name of Shri Parvinder Singh as he was the plaintiff in the case instead of the Shri Dharmbir Singh. However, Shri Dharmbir Singh raised objection that he is the

owner of the land and the then SDO had released the connection in the name of Shri Parvinder Singh on the basis of fake documents. Accordingly, SDO operation is directed to produce the documents of the file on which basis the connection has been released in the name of Shri Parvinder Singh alongwith any other point relevant to the case within 2 days with a copy to complainant.

Now, the matter is adjourned and shall now be heard on 05.06.2025.

M. Hearing was held on 05.06.2025, as scheduled. During the hearing, Appellant Sh. Dharambir Singh intimated that the reply of SDO/Op Badli dated 28.05.2025 received yesterday. He requested for further 4-5 days for submitting his comments. Acceding to the request of the Appellant, the matter is adjourned and shall now be heard on 25.06.2025.

N. Vide email dated 10.06.2025, appellant has submitted additional documents which is as under:-

1. That as per documents provided by the Ld. SDO vide his reply dated 28.05.2025, the office of Ld. SDO sanctioned connection in the name of Sh. Parvinder Singh for his Lal Dora House as recommended by the Ex-Sarpanch in her certificate dated 01.05.2021 for which Sh. Parvinder Singh applied for new connection showing his Lal Dora house as H. No. 78 in the Application form for new connection filed on 28.06.2021.
2. That after getting his new connection sanctioned for his Lal Dora house. Sh. Parvinder Singh by hoodwinking or by connivance with the field officials of Ld. SDO office, got the said connection installed at Khasra / Plot No. 165, belonging to the Appellant which is out of Lal Dora and a recorded plot in Jamabandi in the name of father of Appellant.
3. That therefore, the said connection falls under sub clause (v) of clause (b) under section 126 of the electricity Act, 2003 which read as under :-
"126 (b) "Unauthorised use of electricity" means the usage of electricity:-
(1) XXX
(ii) XXX
(iii) XXX
(iv) XXX
(v) For the premises or areas other than /those the supply of electricity was authorised. for which
4. That the Hon'ble Chairman, CGRF vide order dated 19.11.2024 rejected the complaint of Appellant on the ground that the matter falls under Section 126 of the Electricity Act, 2003 and the CGRF has no jurisdiction to pass any order in the matter.
5. That the Hon'ble CGRF ought to have directed the Ld. SDO to remove the connection of Sh. Parvinder Singh from Khasra / plot no. 165 being used for "unauthorised use of Electricity" under the provisions of the Electricity (Removal of Difficulties) ORDER, 2005 as per which the Ld. SDO is independently authorised of his own to remove the said connection of Sh. Parvinder Singh being used for "unauthorised use of Electricity"

6. That vide interim order dated 09.05.2025, the Hon'ble Elect. Ombudsman was also pleased to record as follows :-

"SDO respondent further intimated that the case falls under section 126 which is not in the jurisdiction of CGRF /ombudsman which is also admitted by the complainant Sh. Dharambir Singh in his appeal."
7. That the Hon'ble Civil Court Bahadurgarh which has even no jurisdiction to pass any order in the matter has been pleased to record vide para 15 of its order dated 18.02.2022 as follows :-

"15. However, nothing contained herein above shall be 3 considered to be the expression of any opinion on the merit of the case"
8. Therefore, the Hon'ble Civil Court Bahadurgarh having no jurisdiction has not passed its order dated 18.02.2020 ON MERIT.
9. That the Ld. SDO has wrongly made false statement that the Appellant has distorted the fact w.r.t. submission made regarding 9. section 56 of the Electricity Act, 2003.
10. It is submitted that facts forming part of statute cannot be distorted by any party, where in section 56 it has been mentioned that the Ld. SDO / License may discontinue the supply of electricity until the default amount is paid, BUT NO LONGER.
11. That on 09.05.2025, the Appellant submitted before the Hon'ble Ombudsman that upon payment of default amount of Rs. 51913/- on 11.08.2020, the electricity supply was required to be restored /reconnected under section 56 of the Act read with HERC notification No. HERC/04/2004 dated 16.07.2004 where vide para 13 of Schedule I, It has been provided that Reconnection of supply following disconnection shall be done within 12 hours of receipt of payment from consumer.
12. It is submitted that the Appellant being a law abiding person deposited the full default amount of Rs. 51913/- even where under the provisions of Section 56 (2) no sum due from any consumer shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges of electricity supplied and the license shall not cut of the supply of the electricity.
13. It is submitted that the Ld. SDO did not provide the documents as requested by the Appellant vide email dated 08.04.2025 to ascertain as to from when such default amount became first due i.e. the copy of last paid bill in A/c No. H14-HD05-1436F of the appellant alongwith other documents. None-the-less, the appellant submits that each consumer including the Appellant is required to pay electricity charges due against him which cannot be subjected to any technical inadvertence on the part of the licensee.
14. That the "Contempt of Court is applicable only in the cases where the orders of Hon'ble Court having competent jurisdiction is violated. In the present case the Hon'ble Civil Court, Bahadurgarh has no jurisdiction to pass any order

in the matter, hence, there is no "contempt of Court" for not following the order of a court which has no jurisdiction, hence, the order dated 18.02.2022 passed by the Hon'ble Civil Court is not an essential part of rule of law as held by the Hon'ble Supreme Court in the case of R. Unnikrishnan V. VK Mahunndevan, AIR 2014 SC 1201 (1206) as under :-

"The binding character of judgments pronounced by the courts of competent jurisdiction is an essential part of rule of law"

15. That the Hon'ble Supreme Court has been further pleased to hold in the case of B.N. Hazarika V. State of Assam, AIR 2003 SC 234, as under :-

"State is required to act fairly giving the due regards and respect to rules framed by it"

16. That the Ld. SDO has stated that the connection at site in dispute is temporarily restored as per court order and only higher court has the power to repeal such orders.

17. In this context it is submitted that as per order dated 01.03.2011 passed by the Punjab and Haryana High Court in Civil Revision No. 8271 of 2010, it has been held as follows :-

"I have been informed by the Petitioner that during the Pendency of this revision Petition the connection has been restored to the respondent. In this connection it is observed that if the connection is restored and compliance has been made by the party as per rules and instructions on payment of the assessed amount, then that would be deemed to have been restored independently of the litigation, otherwise, It would be suffice to say that the Petitioner would be at liberty to undo the act which was done temporarily pursuant to the orders passed by the courts below"

18. That the Hon'ble Supreme Court in the case of Harshad Chiman Lal Modi Vs. DLF universal Ltd. (2005) SCC 791, has been pleased to hold as follow:-

"Jurisdiction as to subject matter, however is totally distinct and stands on a different footing. Where a court has no jurisdiction over the subject matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause of matter. Any order passed by a court having no jurisdiction is a nullity"

19. That the Hon'ble Supreme Court in the case of Assistant Collector of control excise V/s. Dunlop India Ltd. (1985) I SCC 260, has been pleased to hold as follows:-

"The better wisdom of the court below must yield to the higher wisdom of the court above."

20. Therefore in view of the above, there is no contempt of court for restoration / reconnection of the connection of the Appellant under the provisions of the Electricity Act, 2003; Sec 56 read with HERC Regulation No. HERC/04/2004 dated 16.07.2004 and The Electricity (Removal of Difficulties) ORDER 2005 issued under Sec 183 read with Sec. 50 of the Act 2003.

21. It is submitted that the connection of Sh. Parvinder Singh is required to be disconnected from Khasra / plot No. 165 and is required to be installed at his house in Lal Dora for which the same was sanctioned AND the connection of the Appellant is required to be re-connect at Khasra / Plot No. 165 from where the said connection of Appellant was disconnected vide order dated 29.06.2018. And this is the complete course of action by the Ld. SDO in the interest of justice, it is humbly submitted.
22. That the documents pertaining to the case have been arranged in chronological order for the convenience of Hon'ble Ombudsman to find out the background of the case, the conduct of Sh. Parvinder Singh and that of the appellant and the lawful provisions and the facts and circumstances of the case to arrive at the just and fair conclusion and to pass a speaking order on merit in the interest of justice.
23. It is therefore, prayed that the Appeal / Complaint of the Appellant may kindly be allowed with the directions to the Ld. SDO to remove the unauthorised connection of Sh. Parvinder Singh being the case of "unauthorised use of Electricity" falling under section 126 of the Electricity Act, 2003 as the Appellant is not praying for installation of unauthorised connection but praying for removal of an unauthorised connection falling under Sec. 126 of the Act for which the Hon'ble CGRF and Hon'ble Elect. Ombudsman has the authority to issue. direction to the Ld. SDO to remove the unauthorised connection of Sh. Parvinder Singh from Khasra Plot No. 165 and reconnect the connection of the Appellant at Khasra / Plot No. 165. The Appellant, as is duty bound shall ever pray.
- O. Hearing was held on 25.06.2025, as scheduled. Both the parties were present. During the hearing, respondent SDO admitted that in response to his reply additional comments of appellant Shri Dharambir Singh has been received by him and he submitted that the connection of Shri Parvinder Singh has been reconnected as per Hon'ble Civil Court Bahadurgarh order and matter pertains to section 126 for which Hon'ble Ombudsman do not have jurisdiction.
- Appellant Shri Dharambir Singh submitted his details on the comments dated 10.06.2025 submitted by him wherein he explained that he is not praying for installation of unauthorized connection but praying for the removal of unauthorized connection under section 126 of the Act for which Hon'ble CGRF and Hon'ble Electricity Ombudsman has authority to issue direction to the SDO to remove the unauthorized connection of Shri Parvinder Singh from Khasra/Plot No. 165 and reconnect the connection of the Appellant at Khasra/Plot No. 165.
- Further during hearing Shri Dharambir Singh appellant presented two number bills issued in his name by SDO respondent and placed at Page no. 59 & 61 for the connection which has already been disconnected where the arrears have been shown nil. SDO respondent was directed to explain the reasons for issuing these bills even after disconnection.

Also, appellant Shri Dharambir Singh mentioned at page no. 164 of comments dated 10.06.2025 submitted by him that Section 145 of the Act creates a bar that the civil court would have no jurisdiction to entertain any suit or proceedings in respect of which the Assessing Officer referred to in Section 126 of the Act or an Appellate Authority referred to in Section 127 or adjudicating officer appointed under the Act is empowered by this Act to determine. The section 145 of the Act further clarifies that no injunction would be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. He also mentioned at page no. 164 that it is well settled by now that where a complete hierarchy of Tribunals or Courts is provided by the statute to resolve and redress the disputes, then in the light of the alternative dispute redressal forum, the civil court has no jurisdiction when expressly and impliedly barred by the statute. These points have been taken from the Hon'ble Punjab and Haryana High Court Civil Revision No. 8271 of 2010 order dated 01.03.2011 titled as DHBVNL Vs. S.D.E. Telegraph, Barwala.

Since the argument in the main matter have been led by both the parties today final decision in the matter will be passed through separate order after receipt of desired data as mentioned above from respondent SDO.

P. Vide email dated 01.07.2025, SDO Badli has submitted as under:-

Kindly refer to the interim order passed by your office vide memo no. 758/EO/HERC/Appeal No. 40/2024 dated 26.06.2025.

In this context, it is intimated that the connection bearing account No. H14-HD05-1436 in the name of Sh. Dharam Bir was PDCO on 29/06/2018 (copy of PDCO attached) and no further bill was issued on this account no.

Further, the documents placed at page no. 59 & 61 of the reply submitted by appellant are merely the downloaded copy of the bill and not the bills issued by the Nigam. Before the RAPDRP system, there was a provision to download the copy of bills on the account no. which has already been PDCO by the department. It is clearly visible on the bills that energy charges, MMC, ED etc. are zero however for any bill issued by the Nigam MMC was to be charged even if the energy consumption is zero. Therefore, these are downloaded copy of bills from UHBVN website.

The above is submitted for your kind information and further necessary action please.

Decision

Final hearing was held on 25.06.2025, both parties argued the matter at length. Desired information as per interim order 25.06.2025 was received from SDO operation, Badli on 01.07.2025 wherein he has explained that the documents placed at page no. 59 to 61 of reply submitted by appellant are merely downloaded copy of bills issue by the Nigam. Connection bearing no. H14-HD05-1436 in the name of Sh. Dharmbir Singh was permanently disconnected on 29.06.2018.

It is a case of Sh. Dharmbir Singh (Appellant) that his electricity connection was disconnected on 29.06.2018 due to pending defaulting amount. However, full amount of default being Rs. 51913/- was deposited in the office of SDO, UHBVN, Badli vide receipt no. 33014523 dated 11.08.2020 and further appellant Sh. Dharmbir Singh requested application for restoration of his electricity connection on 09.09.2020 and his request was not considered on the ground that disconnection of default was older than six months and appellant applied for connection on 14.02.2022 and deposited Rs. 7375/- on 19.02.2022 towards connection fee. Appellant referred that Sh. Parvinder Singh was provided unauthorized connection on 19.07.2021 at plot no. 165 on the basis of fake documents as connection was applied by him on different premises but he got connection on plot no. 165 which is a different premises that for which a new connection the name of Sh. Parvinder Singh was sanctioned. Hence Sh. Dharmbir Singh requested SDO operation that the case of unauthorized use of electricity falling under section 126 of Electricity Act, 2003 should be initiated against Sh. Parvinder Singh. SDO operation found Sh. Parvinder Singh at fault and in consequent of illegal and unlawful acts, the department disconnected the connection as per law and procedure. Sh. Parvinder Singh was issued a letter memo no. 178 dated 20.12.2021 whereby he was asked to submit his papers of ownership of the property and documents in support of his claim. The connection of Sh. Parvinder Singh was disconnected as he was not able to submit requisite documents but as per Hon'ble Civil Court Bahadurgarh order dated 18.02.2022 in the interest of justice electricity supply of Sh. Parvinder Singh was restored. Now Sh. Dharmbir Singh (appellant) is demanding for getting electricity connection at his plot no. 165 under section 56 of Electricity Act, 2003 as the full amount has already been deposited by him where the department has released the connection to Sh. Parvinder Singh which was disconnected and further restored on the order of Hon'ble Civil Court Bahadurgarh.

Respondent SDO operation, Badli contended that the department has released the connection to Sh. Parvinder Singh which was disconnected and further restored on the order of Hon'ble Civil Court Bahadurgarh. Further, SDO operation requested that Sh. Dharmbir Singh has made a representation to Hon'ble Electricity Ombudsman to consider his case as per section 126 of Electricity Act, 2003 while as per HERC Regulation no. HERC/48/2020 dated 24.01.2020 Chapter-II Forum for Redressal of the Grievances of Consumer point no. 2.27, forum has no jurisdiction to hear such cases.

THE APPEAL GIVES RISE TO THE FOLLOWING DISTINCT AND INTERRELATED LEGAL QUESTIONS:

1. Whether the CGRF and this Office have jurisdiction to entertain the grievance in view of the pendency of Section 126 proceedings?
2. Whether the Appellant was entitled to reconnection of his earlier disconnected connection after clearing dues and completing formalities?

3. Whether the assessment under Section 126 was lawful, proportionate, and based on evidence of commercial use?

In this case, there is a failure to Comply with Procedural Requirements under Section 126: -

- No speaking order, detailed inspection report, or change of category determination was provided by UHBVN.
- The grievance raised by the Appellant pertains to irregular and unauthorized issuance of a temporary connection to Shri Parvinder Singh. This does not constitute an “assessment” under Section 126, but is rather a Supply Code violation, thus falling within the jurisdiction of the Ombudsman.
- Separately, the purported Section 126 assessment to be initiated against Sh. Parvinder Singh must independently meet the legal threshold of “unauthorized use” and be supported by a due process—mere procedural deviation or self-use of appliances does not suffice.

“A mere reference to Section 126 does not oust the jurisdiction of the CGRF or Ombudsman unless the licensee has actually passed a speaking assessment order under Section 126.”

After going through the submissions of both the parties and the record made available on file, it is evidenced that appellant (Sh. Dharmbir Singh) is requesting for restoration of his electricity connection under section 56 of Act, 2003 where Hon’ble CGRF/Ombudsman has its jurisdiction. Mere reference of Section 126 by both the parties does not mean that the complaint falls under section 126. Hence, it is ordered that Sh. Dharmbir Singh (Appellant) is eligible to get his connection on plot no. 165 as he has already completed all the formalities like depositing of the outstanding dues but connection at this stage cannot be allowed to Sh. Dharmbir Singh (Appellant) as the matter is pending before the Hon’ble Court, Civil Judge, Junior Division, Bahadurgarh (Civil Suit no. 707 of 2021) wherein the status quo has been maintained and also it is mentioned that the re-installation of electricity connection temporarily does not give any title to the plaintiff (Sh. Parvinder Singh) and electricity connection has been allowed being essential commodity since the said matter is pending sub-judice and listed for hearing on 01.08.2025. Therefore, the final outcome of Court case will decide the entitlement of electricity connection to Sh. Dharmbir Singh (Appellant) and SDO respondent is directed to act accordingly.

The instant appeal is disposed of accordingly.

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

Given under my hand on 8th July, 2025.

Sd/-

(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

Dated:08.07.2025

CC-

Memo. No.854-60/HERC/EO/Appeal No. 40/2024

Dated: 08.07.2025

1. Shri Dharambir Singh, Village Ismailpur, PO Mundakhera, Tehsil Badli, District Jhajjar.
2. The Managing Director, UHBVN, IP No.: 3&4, Sector-14, Panchkula.
3. Legal Remembrancer, Haryana Power Utilities, Sector- 6, Panchkula.
4. The Chief Engineer Operation, UHBVN, Rohtak.
5. The Superintending Engineer Operation, UHBVN, 33 kV power house, Jhajjar.
6. The Executive Engineer Operation, UHBVN, 33 kV power house, Jhajjar.
7. The SDO Operation, UHBVN, Badli.

