



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

Bays No. 33-36, Ground Floor, Sector-4, Panchkula-134109

Telephone No. 0172-2572299

Website: <https://herc.gov.in/Ombudsman/Ombudsman.aspx#>

E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 34 of 2025

Registered on : 30.06.2025

Date of Order : 11.07.2025

In the matter of: -

Complaint under HERC regulation 48-2020 Sub section 2.48 “Escalation Mechanism” read with Section 43 of Electricity Act-2003.

Shri Vipul Kumar S/o Dinesh Kumar, Ghikara Road, Charkhi Dadri

Appellant

Versus

1. SDO OP City Sub Division Charkhi Dadri

2. XEN OP Division Charkhi Dadri

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Akshay Gupta counsel

Present on behalf of Respondents:

Shri R.K. Sbbharwal, Chairperson, Zonal CGRF Hisar Zone

Shri Avinash Yadav, Xen, Charkhi Dadri, DHBVN

Shri Gaurav Kinha, SDO, Charkhi Dadri, DHBVN

ORDER

A. Shri Vipul Kumar S/o Dinesh Kumar, Ghikara Road, Charkhi Dadri has filed a Complaint under HERC regulation 48-2020 Sub section 2.48 “ Escalation Mechanism) read with Section 43 of Electricity Act-2003. The appellant has requested the following relief: -

The present complaint is filed as per HERC regulation 48-2020

Escalation Mechanism 2.48 A Complainant may prefer a representation before the Ombudsman appointed/designated by the Commission under sub-section (6) of section 42 of the Act, under the following two circumstances:

a. If the Complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified,

As the complaint of complainant has been not decided as per the time frame and the matter is related with the non-release of connection so the complainant filed the complaint before Hon'ble Ombudsman under escalation mechanism.

Brief Facts

- i. The complainant Mr. Vipul Kumar applied for 2 KW NDS connection on 14-11-2024 vide application number B32-1124-84. The premises of the complainant is on rent and he submitted the rent receipt along with the indemnity bond.
- ii. The respondent SDO (Op City Sub Division Charkhi Dadri) rejected the application on flimsy ground.
- iii. The complainant kept visited the office of respondent for a period of more than 6 months and requested the respondent SDO to release the connection so that he can run his livelihood but the respondent didn't paid any heed.

- iv. Aggrieved with this the complainant filed a complaint before the Zonal CGRF DHBVN HISAR Zone on 23-04-2025. (Copy of complaint attached as annexure P-1)
- v. Notice of motion issued on 2nd May-25 and hearing schedule on 7-05-2025. (Copy of Notice of motion attached and marked as annexure P-2)
- vi. The hearing which was scheduled for 07-05-2025 was postponed for 14-05-2025.
- vii. The hearing which was scheduled for 14-05-2025 was postponed 16-05-2025. Meanwhile the respondent submitted the reply on 13-05-2025 which was shared to the complainant on 14-05-2025 by the office of Zonal Forum DHBVN Hisar. (Copy of reply submitted by respondent attached and marked as P-3)
- viii. The matter was heard on 16-05-2025 and the respondent was directed by Hon'ble Forum to submit the complete details of :
 - A. number of connection released on this land ?
 - B. whether DHBVN was impleaded as party in the CWP-11819-2018
 - C. Whether there is a stay order of Hon'ble HIGH Court on release of electricity connection ?
- ix. The complainant submitted the rejoinder on 20.06.2025 (copy of rejoinder attached and marked as P-4)
- x. The NDOH was fixed for 22-05-2025.
- xi. The hearing which was scheduled for 22-05-2025 was postponed for 23-05-2025. Meanwhile the respondent SDO submitted his reply vide his office memo number 1347 dated 22.05.2025 and he admitted that one connection was released on this land vide A&A number B32-1222-223. (Copy of reply attached and marked as P-5)
- xii. The hearing which was scheduled for 23-05-2025 was postponed for 28-05-2025.
- xiii. The hearing which was scheduled for 28-05-2025 was postponed for 30-05-2025.
- xiv. The matter was heard on 30-05-2025 and the Hon'ble Zonal Forum directed the respondent SDO " to attend the case in person on 04.06.2025 at 3 Pm along with the clear cut certificate regarding number of connection released. (copy of interim order attached and marked as P-6)
- xv. The hearing was held on 06.06.2025 at Hisar , the complainant was present but the respondent was not present. During the hearing Hon'ble Forum directed the respondent SDO and Xen to give the complete detail of number of connection released on this land.
- xvi. As per HERC regulation 48-2020

Escalation Mechanism 2.48 A Complainant may prefer a representation before the Ombudsman appointed/designated by the Commission under sub-section (6) of section 42 of the Act, under the following two circumstances:

- a) if the Complainant is aggrieved by the non-redressal of the grievance by the Forum within the period specified,

as the complaint has been not decided as per the time frame so the complainant filed the complaint before Hon'ble Ombudsman under escalation mechanism.

Grounds:

- i. As per Section 43 of electricity act-2003 “ Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply” but in this present case the respondent didn't provided the connection to complainant.
- ii. It is pertinent to mention here that the premises on which the respondent deny for release connection is never remain “ defaulter of Nigam”
- iii. The act of respondent SDO for non-giving the complete details even after repeated directions of the Hon'ble Zonal Forum is clearly showing his negligence and disrespect to the forum.
- iv. As per HERC regulation 48-2020 with its subsequent amendments sub section 2.23 “ In case of grievances related to non-supply, connection or disconnection of supply, the Forum shall pass the order within 15 days of filing of the grievance”.
- v. The present case was filed on 23.04.2025 , the matter is related with the non-release of connection and as per HERC regulation that should be decided within 15 days , but its been around 2 months and the forum has not pass any order.
- vi. The act of the respondent is quite contrary to the basic principal of the justice and the constitution of India.
- vii. That the Electricity is the basic need required for the survival just like the Air, water and food, and depriving the complainant from electricity is against the Article 21 of Constitution of India.
- viii. That Hon'ble Punjab and Haryana High Court in similar matter titled as Mobin Ansari vs PSPCL in CWP 13439 - 2020 (para 28) ... held that "Any stricter approach would confer upon the land owner/owner, an unbridled power to deprive an occupant of the basic amenities that are now integral part of Article 21 of the Constitution of India, 1950"
(Emphasis Supplied)
- ix. That Hon'ble Apex Court in similar matter titled Dilip (dead) through LRS vs Satish and Ors ... SLP no. 8917 of 2019 held that
"it is now a well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/ refusal of the landlord to issue no objection certificate"

(Emphasis Supplied)

Prayer:

- i. It is humbly prayed that the present case may be admitted on priority and respondent may be directed to release the connection immediately and:
- ii. Suitable action may be taken against the respondent for violating the instruction, regulations of HERC and Electricity Act-2003.

- B.** The appeal was registered on 30.06.2025 as an appeal No. 34 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 11.07.2025.
- C.** Vide email dated 11.07.2025 respondent SDO has submitted reply, which is reproduced as under:-

A complaint of Vipin Kumar S/o Dinesh Kumar, Ghikara Road received regarding not processing of new application on the basis of rent receipt alone.

Brief History: The complainant want an electric connection on the basis of rent receipt of Ladhan Panna Committee alone in respect of ownership proof vide A&A application B32- 11-2024 (Applied Load: 2 KW, Category: NDS) with other documets (Copy enclosed as Annexure-A).

The application was rejected by the office on the basis of incomplete ownership proof. In the subject-cited matter, the HERC Regulation No. HERC/29/2014/3rdAmendment/ 2023 as mentioned at Point No 2 as are exerted as below:

That facility of electricity connection may be provided to those who are residing in unauthorized colonies/Slums without insisting on ownership/legal occupancy proof;

Provided further, release of electricity connection shall not in any way confer upon the consumer any lawful ownership/legal occupancy rights on the property. The connection has been released and meter has been installed with a clear understanding that it is solely for the purpose of meter reading to ensure generation of bill as per consumption and does not create any ownership/ legal occupancy rights over.

After careful consideration, this office has determined that we cannot proceed with the release of the electricity connection for the following reasons:

Rent Receipt without Rent Agreement Deed: The application was enclosed with the rent receipt without the rent agreement deed. The rent receipt bears singnature under the stamp of the President, Ladhan Panna (without any specific details such as Name and Contact Details). No resolution was attached regarding who is the President of the Ladhan Panna/Signing Authority.

Disputed Land: The property in question is currently under dispute, as the Municipal Committee, Charkhi Dadri has initiated legal proceedings regarding the ownership of the land in the Hon'ble High Court and as per the Hon'ble High Court order, status-quo on the land in question be maintained (CWP-11819-2018 along With CWP-13915-2018 (O&M) Copy enclosed as Annexure-B). The next date of the hearing is 15/7/2025. Granting an electricity connection in this context could complicate the ongoing legal matters.

Hiding Litigation Regarding the Ownership: It has come to my attention that the applicant has not disclosed critical information regarding the above mentioned status quo, which is currently maintained by the Honorable High

Court of Punjab and Haryana. Such omission lead to misunderstandings or misrepresentations of the situation.

Regulatory Compliance: These instruction are generally intended for the supply of electricity for the applicant residing in un-authorized colonies /Slums for the sole purpose of livelihood. In the instant case applicant want to get his connection on the disputed land for the commercial purpose over which Municipal Committee has filed the court case regarding ownership of the landin the H'ble High Court.

The applicant is seeking the connection on the ground of past connections, which were released by the office. It is essential to note that should the facts be revealed at any stage, it would be inappropriate to continue with the same wrong scenario in the future. I believe it is essential to address this matter transparently to ensure clarity and compliance with legal standards.

The same is submitted for your kind consideration and further deciding the case judiciously.

Decision

Hearing was held on 11.07.2025 as scheduled. All the parties were present during the hearing. The complaint filed by Sh. Vipul Kumar before the Zonal CGRF, Hisar on 20.04.2025 but no decision has been made on the complaint. Now, appellant counsel filed the same complaint to this court under HERC regulation 48-2020 Sub section 2.48 "Escalation Mechanism) read with Section 43 of Electricity Act-2003 on 30.06.2025. Non-redressal of the grievance by the Zonal CGRF has been viewed very seriously by the undersigned. Chairperson Zonal CGRF informed that he has recently joined and assured to decide the complaint within 10 days. Accordingly, Chairperson, Zonal CGRF is directed to decide the complaint within 20 days. Therefore, the case is remanded back to Zonal CGRF for deciding the case within 20 days.

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 11th July, 2025.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated:11.07.2025

CC-

Memo. No.887/HERC/EO/Appeal No. 34/2025 Dated: 11.07.2025

To

1. Shri Vipul Kumar S/o Dinesh Kumar, Ghikara Road, Charkhi Dadri (Email akshay.gupta786@gmail.com)
2. The Managing Director, DHBVN, Hisar (Email md@dhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer Operation, DHBVN, Hisar (Email ceophisar@dhbvn.org.in).
5. The SE/OP, Circle, DHBVN, Bhiwani (Email seopbhiwani@dhbvn.org.in)
6. The XEN OP Division, Charkhi Dadri, DHBVN (Email xenopdadri@dhbvn.org.in)
7. SDO/OP City Sub Division, Charkhi Dadri, DHBVN (Email sdocitydadri@dhbvn.org.in)