

**BEFORE THE ELECTRICITY OMBUDSMAN**  
**(For the State of Goa and Union Territories)**  
**Under Section 42 (6) of the Electricity Act, 2003**  
3<sup>rd</sup> Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18  
Gurugram (Haryana) 122015,  
, Email ID: [ombudsman.jercuts@gov.in](mailto:ombudsman.jercuts@gov.in)  
Phone No.:0124-4684708

**Appeal No-202 of 2023**

**Date of Video Conferencing: 18.10.2023**  
**23.10.2023**

**Date of Order: 31.10.2023**

M/s Rameshwara Hospital Pvt Ltd.  
Through its Director Mr Vinod Kumar,

**.... Appellant**

**Versus**

1. M/s Atulya Healthcare Pvt Ltd
2. Superintending Engineer, (Electricity Operations Circle), Deptt of Engg, Chandigarh Administration & others

**.... Respondent No 1**

**.... Respondent No 2**

**Parties present:**

**Appellant(s)**

Mr Vipul Joshi Adv

**Respondent 1**

Mr Tejinder Joshi Adv  
Mr Pankaj Kansil, Director Atulya Healthcare &  
Mr Price Malhotra for M/s Atulya Healthcare Pvt Ltd

**Respondent 2**

Mr Chandra Shekhar Executive Engineer, Electricity  
(Operations),  
Division No 1, Chandigarh



## ORDER

This representation was filed on 25/26 September, 2023 by M/s Rameshwara Hospital Pvt Ltd. through its Director Mr Vinod Kumar, under Section 42(6) of the Electricity Act 2003 read with Regulations 32 & 33 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations against the order in case No E-111/2023 dated 21st September, 2023 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), Chandigarh. The Appeal No 203 was admitted on 27.09.2023.

The Ombudsman has issued admission notice dated 27-09-2023 in the above said appeal filed by the appellant. It has been mentioned in the said notice that above mentioned appeal/ representation received on 25-09-2023/26-09-2023 by email/ by hand has been admitted for examination and consideration on 27-09-2023. The Ombudsman directed Respondent No.1 & 2 to file reply to the interim application for staying operation of the order dated 21-09-2023 passed by Ld. CGRF within seven days and also directed to file reply to the appeal / representation within 20 days.

The reply received from the Respondents No 1 & 2 on 5.10.2023 and 17.10.2023 respectively.

The Appellant has filed this representation against the above order passed by the Ld. CGRF Chandigarh. The e-hearing was held through video conference on 18.10.2023 and 23.10.2023. Parties were heard at length.

The submissions of the Appellant are as below: -

- A. That the appellant had entered into an "Agreement" on 4th Day of November 2015 with M/s Atulya Healthcare Pvt Ltd for providing Medical services and got a commercial connection installed at House NO. 11, Sector 11-A, Chandigarh in the name of M/s Rameshwara Hospital Pvt Ltd (Appellant) vide account number **102/1171/001100X** under the jurisdiction of Assistant Executive Engineer / Sub-Divisional Officer, Electricity (Operations), Sub Division No.2, Udyan Path, BBMB Colony, Sector 10, Chandigarh and Executive Engineer, Electricity (Operations), Division No.1, # 34, Himalaya Marg, Shopping Plaza, Sector 17, Chandigarh.
- B. That the connected load of the connection was 495 kW with a contract demand of 490 kVA
- C. That Mr. Vinod Kumar Singla Director of M/s Rameshwara Hospital Pvt Ltd (Appellant), had earlier filed a Complaint No. E/104 of 2023 before Ld. CGRF, U.T. Chandigarh and sought directions to be issued to Electricity Department for dis-connecting the above said connection. They have submitted an application dated 02.08.2023 addressed to Executive Engineer, Electricity (Operations) Division No 1, Sector 17, Chandigarh and 18.08.2023 addressed to CGRF Chandigarh, stating that they do not need electricity connection as such the same may be disconnected. On

the request of M/s Rameshwara Hospital Pvt Ltd the connection was disconnected by Assistant Executive Engineer, Electricity (Operations), Sub Division No.2, Sector-10, Chandigarh on 30.08.2023. Thereafter, appellant withdrew his complaint.

D. Mr. Vipul Joshi representing Appellant, has filed the reply to the application filed by Respondent No He has submitted as under: -

1. That the Application under response is misconceived; and, is a result of misreading of the relevant provisions of the Electricity Act, 2003 as well as the Consumer Grievances Redressal Forum and Ombudsman Regulations, 2019.
2. That it may be noted that Section 2 (15) of the Act of 2003, which defines a "consumer", duly "includes any person whose premises are, for the time being, connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be; ...".
3. That, subsequently, Section 42 (6) of the Act of 2003 also contemplates "any consumer", who may approach the Ombudsman for non-redressal of his grievance by the Forum.
4. That, further, Regulation No. 2 (d) of the Regulations of 2019 also contemplates a 'complainant' and a 'consumer interchangeably. In other words, there is no distinction between a 'complainant' and a 'consumer', as far as Regulation No. 2 (d) is concerned.
5. That a bare perusal of Regulation No. 2 (d) (v) would make it amply clear that a 'consumer', as defined under Section 2 (15) of the Act of 2003 is included in the definition of a 'complainant' / 'consumer, as defined under the said Regulation No. 2 (d).
6. That even Regulation No. 2 (e) of the Regulations of 2019 defines a "grievance" to include "any dispute between the consumer and the licensee with regard to any complaint or with regard to any action taken by the licensee in relation to or pursuant to a complaint filed by the effected person."
7. That, similarly, Regulation No. 2 (k) as well as Regulation No. 33 (1) (a) of the Regulations of 2019 leave no doubt as to the fact that the present Appeal is very well maintainable.
8. That, admittedly, the present Appellant was a 'party' to the proceedings before the Learned CGRF. Admittedly, the present Appellant was heard by the Learned CGRF. Admittedly, the present Appellant had made certain grievances before the Learned CGRF and had raised several objections against the grant of fresh electricity connection to the Respondent No. 1. Thus, there is no doubt as to the fact that the present Appellant is an intrinsic participant in

the present issue and is the most affected party-by virtue of, inter-alia, its Premises being at the core of the entire controversy at hand

9. That, it is humbly submitted, that the present Appellant cannot be left remedy-less in terms of the perverse interpretation of the aforementioned provisions sought to be advanced by the Applicant-Respondent No. 1 regarding the maintainability of the present Appeal.
  10. That, admittedly, the impugned Order passed by the Learned CGRF is to the great prejudice of the present Appellant on several counts. In such circumstances, it cannot be held that the present Appellant shall not have any redressal, in appeal, against the said prejudice caused to it by the impugned Order passed by the Learned CGRF.
  11. That a narrow interpretation to the aforementioned provisions shall defeat the entire grievance-redressal mechanism contemplated under the Act of 2003 and the Regulations of 2019. Thus, it is imperative that a wide and an enabling interpretation is given to the aforementioned provisions- lest, the present Appellant is rendered remedy-less against the impugned Order, which has been passed after hearing it and to its great prejudice.
  12. That, in view of the above, it is most humbly prayed that the Application under response is liable to be rejected and may, accordingly, be dismissed forthwith.
- E. Mr Vipul Joshi representing appellant, has submitted on 23.10.2023 that he will submit few judgements of Hon'ble Supreme Court of India/ Hon'ble High Court which will support his submission, but he did not submit any such judgment till 25.10.2023.
- F. Mr Vipul Joshi representing appellant, has earlier raised objections on the release of connection without NOC from appellant and subsequently in the present appeal he objected to use of Transformer which was installed for providing connection to respondent No 1 in terms of the agreement dated 4.11.2015.

The submissions of the Respondent No 1 are as below: -

- A. That Respondent No 1 approached the Hon'ble High Court of Punjab and Haryana against the disconnection in **CWP-18526-2023**. Respondent No 1 had to withdraw its petition and come before the "CGRF". The relevant portion of the judgment passed by the Hon'ble High Court of Punjab and Haryana is as under:

***CWP-18526-2023 (Order date -28.08.2023)***

*"Prayer in the present petition is for seeking issuance of directions to the respondents to release the electricity connection to the petitioner in terms of the law laid down by this Court in the judgment of "Mobin Ansari verses Punjab State Power Corporation Limited and others" reported as 2023 (1) PLR 32.*

*Upon being confronted, learned counsel for the petitioner fairly concedes that there is an alternative efficacious remedy available to the petitioner for seeking redressal the above said grievance before the Consumer Grievances Redressal Forum under the Joint Electricity Regulatory Commission (Establishment of Forum for Redressal of Grievance of Consumers) Regulation, 2009 including the power to grant interim relief under Regulation 5(9)(ii) as per Electricity Act, 2003. He contends that he shall approach the Consumer Grievance Redressal Forum for redressal of his grievance”.*

B. Accordingly, Respondent No 1 approached Consumer Grievance Redressal Forum (CGRF) Chandigarh and filed a complaint vide complaint No E-111/2023 on dated 30.08.2023

Ld. CGRF Chandigarh vide its order dated 21.09.2023 has decided as under:

*a. That the "Ld. CGRF" after completing the proceedings passed the impugned order on dated 21.09.2023, the relevant part of which is reproduced as under:*

*"25. The objection of M/s Rameshwara Hospital Pvt. Ltd., with regard to the breach of terms of the agreement dated 04.11.2015 are the subject matter of their dispute with the complainant, which would be adjudicated upon in the near future and in no case has any bearing on the release of electricity connection in the name of the complainant and its peaceful enjoyment by it. This particular issue of dispute between the owner of the property and its occupier would not deny the occupier to seek electricity connection in its name pending adjudication of dispute and its final outcome, is also covered under the aforementioned two judgements namely also finds mention in the aforementioned judgements. Titled as Mobin Ansari Vs. PSPCL in CWP-13439-2020 dated 23.08.2022 and judgement No. CR-1153-2022 decided on 19.12.2022.*

*26. "Therefore, in view of the above observations the present complaint of the complainant succeeds against the CEO and the CED is directed to release fresh electricity connection in the name of the complainant in terms of Regulation 5.33 of the JERC Supply Code 2018 by taking on record,*

- 1. Copies of documents filed by the complainant along with its affidavit dated 15.09.2023 as proof of occupancy.*
- 2. Declaration/Undertaking by way of an affidavit.*
- 3. Along with the indemnity bond in the desired format.*

*The consumer will fulfil the requirement of payment of all the dues as demanded by the CED through its demand notice and also the requirement of purchase of new electricity meter and*

*cable or any other attachment as directed by the CED. The consumer is left with the option of making use of the electricity transformer as existing on its premises since the day of disconnection of old electricity connection*

*The Executive Engineer, Electricity. OP. Division No. 01, U.T., Chandigarh, being competent authority in the present matter, in terms of Commercial Instructions No. 88 dated 20.08.2014, is directed to complete the entire process of, acceptance of fresh application of the complainant, raising of the demand notice and release of electricity connection within 7 working days of receipt of this letter."*

- C. While allowing new connection in Respondent No 1, CGRF Chandigarh has also given an option to him of making use of the electricity transformer as existing on its premises since the day of disconnection of old electricity connection.
- D. It is a matter of fact that the Transformer, CT PT unit and cables etc were being used and maintained by Respondent No 1 till the date of disconnection. For the purpose of maintenance M/s Atulya Healthcare Pvt Ltd has also entered into an Annual Maintenance Agreement with M/s SIMARTECH CONTROLS Pvt Ltd.(I T DIVISION) E-278, PSIEC I T PARK, INDUSTRIAL FOCAL POINT, PHASE VIII A, SECTOR 75, MOHALI. The AMC contract is valid up to 30.09.2025.
- E. Accordingly, Respondent No 1 has completed all commercial formalities, procured a new CT PT unit as per the requirement for energizing the new connection.
- F. The installation of new CT/PT is again objected by the appellant on the pretext that Transformer existing at site belongs to them and they have reservation on connecting the load of Respondent No 1 from this Transformer and they have filed the present appeal as aggrieved party.
- G. Mr. Tejinder Joshi representing Respondent No 1 has submitted that they have already filed a petition in Hon'ble High Court of Punjab and Haryana for the appointment of Sole Arbitrator. The matter is still sub-judice.
- H. Respondent No 1 in his reply to present appeal, filed an application for dismissal of the aforesaid appeal filed by the appellant, being not maintainable as the appellant either in personal capacity or on behalf of the Company is not a complainant as defined in Clause 3(d) of the Consumer Grievances Redressal Forum and Ombudsman Regulations, 2019, as such, the appeal / representation cannot be filed by the appellant in view of Section 42(6) of the Electricity Act, 2003 and Clause 33(a) of the ibid regulations, which clearly stipulate a precondition of filing the appeal/ representation by the complainant being the aggrieved consumer or the association

representing the consumer and to pass any other order or directions as this Hon'ble Forum deems fit in view of the facts and records of the present appeal.

- I. Respondent No 1, in their application have submitted that the above-mentioned appeal/representation filed by the appellant is not maintainable before this Forum in view of the Consumer Grievances Redressal Forum and Ombudsman Regulations, 2019. Before deciding the interim stay application or appeal/representation, it is necessary to treat issue of maintainability as preliminary issue before adjudication of stay application or main appeal as the appeal is not maintainable before this Hon'ble Forum and the appellant has no locus standi to challenge order passed by Ld. CGRF.

The submissions and arguments of the Respondent No 2 are as below: -

- A. Respondent No 2 have submitted his reply to the submission notice dated 27.09.2023 on 17.10.2023 which is taken on record.
- B. Mr. Chandra Shekhar, Executive Engineer (Operations) has arranged a joint site inspection on 19.10.2023 and submitted the inspection report which is taken on record.

The Ombudsman have examined the relevant provisions of the Electricity Act 2003 and CGRF and Ombudsman Regulations, 2019 as amended from time to time

**I. SECTION 2(15) of Electricity Act 2003 provides as under**

*"...2(15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;*

**II. 42 (5) & (6) ELECTRICITY ACT, 2003**

*42(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.*

*(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.*

**III. PROVISIONS OF CONSUMER GRIEVANCES REDRESSAL FORUM AND OMBUDSMAN REGULATIONS, 2019.**

2(d) "Complainant"/Consumer means and includes

*(i) any electricity consumer or consumers including their legal heirs or successors, having a grievance/complaint against a licensee and lodging the same either directly or through their representatives, or*

*(ii) any voluntary/registered consumer society/association or associations, registered under the law for the time being in force and making the complaints in the larger common or similar interest of the consumers, or*

*(iii) any person whose electricity connection is disconnected, or*

*(iv) an applicant for a new connection for the supply of electricity;*

*(v) A consumer as defined under clause (15) of Section 2 of the Act*

*(vi) Any unregistered association or group of consumers where they have common or similar interests;*

*(e) "grievance" means, and includes any complaint, relating to any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a licensee in pursuance of a license, contract, agreement or under the JERC Electricity Supply Code 2018 as amended from time to time or in relation to the Distribution Performance Standards of the licensees, as specified by the Commission, and includes billing disputes of any nature and matters related to safety of the distribution system having potential of endangering life or property; or a dissatisfaction of a Consumer arising out of failure of the licensee to register or redress a Complaint and shall include any dispute between the Consumer and the Licensee with regard to any complaint or with regard to any action taken by the licensee in relation to or pursuant to a complaint filed by the effected person.*

*(f) "Complaint" means an application made by consumer before the forum seeking redressal of any grievance with regard to supply of electricity by the licensee;*

*Provided that the following shall not be considered as the complaint namely,*

*(i) any grievances arising out of application of Sections 126,127, 135 to 139, 142, 143, 149, 152 and 161 of the Act;*

*(ii) any matter pending before, or decided by, any court of law, or authority (except an authority under the control of the licensee) or the Forum, and*



(iii) any complaint in regard to recovery of arrears where the billed amount is not disputed

(k) "**representation**" means the representation made to the Ombudsman by a complainant, who is aggrieved by the order of the Forum (including the partial or full dismissal order), or non-redressal of his grievances by the Forum within the specified time or dissatisfaction with the order issued by the Forum or non-implementation of the Forum's order by the licensee within the specified time;

The Ombudsman has noted that the appellant who is the owner of premise No 11, Sector 11, Chandigarh had filed a complaint before Ld CGRF regarding disconnection of connection No 102/1171/001100X vide his complaint dated 18.08.2023. The connection was disconnected by Respondent No 2 on 30.08.2023 and accordingly the appellant withdrew his complaint No E-104/2023 and Ld. CGRF has dismissed the complaint vide their order dated 29.08.2023.

The Ombudsman is relying on the following judgements passed by Hon'ble Supreme Court and Hon'ble High Court of Calcutta and Delhi

In view of the judgement passed by Hon'ble Apex Court in the case titled as **Dilip (Dead) Through LRS v. Satish & others SLP No.8917 of 2019** on 13.05.2022 held that electricity is a basic amenity and the occupier cannot be denied the same. Relevant portion of the judgment is reproduced herein below:

It is now 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. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.

In another case, Division bench of Hon'ble High Court of Calcutta in the matter of Santosh Jaiswal Vs CESC Limited in WP No 3794 (W) of 2008 decided on 22.07.2008 wherein, while interpreting the scope of Section 43 of the Electricity Act in the light of section 12 (6) of The Indian Electricity Act, 1910, the High Court of Calcutta dealt with the issue as under: -

*17. Applying the literal rule, there appears to be no doubt that an occupier of a premises meaning thereby a person in possession thereof, in terms of section 43 of the new Act, is entitled to supply of electricity on request being made to the licensee and once electricity is supplied and he bears the charges therefor, he becomes a consumer of electricity. The duty of the licensee is to supply electricity, ie, sell electricity. However, duty and/or obligation of the licensee to ascertain whether the prospective*

*consumer is in lawful occupation or not is not discerned in the statutory provisions.*

Similarly, in case titled as Pradeep Kumar Vs BSES Yamuna Power Ltd in case No W.P.(C) 15525/22 Hon'ble High Court of Delhi has ordered as under: -

- i. The petitioner shall make an application for grant of a fresh electricity connection within seven days from today.*
- ii. The respondent No. 1 shall process the said application for restoration of electricity connection forthwith without insisting on a NoC from co-owners.*
- iii. The petitioner shall comply with all the codal and commercial requirements of the respondent No. 1.*
- iv. The petitioner shall also deposit a sum of Rs.10,000/- with the respondent/BSES in addition to the regular security deposit that he is required to make under the rules or regulations.*
- v. The petitioner shall pay the consumption charges in accordance with the bills raised by the respondent No.1/BSES from time to time/till the time he occupies the subject premises.*
- vi. The petitioner shall not seek adjustment of the security deposit. However, on the petitioner vacating the premises and surrender of the electricity meter, he shall be entitled to refund of the security deposit subject to adjustment of any dues of the respondent No. 1.*
- vii. The respondent No.1/BSES shall be entitled to disconnect the electricity supply in case the petitioner fails to pay the electricity charges.*

*8. It is clarified that this order is without prejudice to the rights and contentions of the parties and shall not be construed as recognizing rights of any nature whatsoever, including either the ownership, title or possessory rights of the petitioner with respect to the subject premises. It is also clarified that no special equities shall flow in favour of the petitioner on account of this order.*

*9. The writ petition is disposed of in the above terms. Pending application, if any, is disposed of as infructuous.*

Further, Regulation 33 of CGRF and Ombudsman Regulations 2019 provides that

33. *Pre-conditions/ limitations for entertaining complainant's representation*

(1) *The representation may be entertained by the Ombudsman only if all of the following conditions are satisfied that: -*

(a) *it has been filed by the complainant being the aggrieved consumer or the association representing the consumer/s;*

(b) *the complainant has, before making a representation to the Ombudsman, approached the Forum constituted under sub-section (5) of section 42 of the Act, for redressal of his grievance;*

(c) *the representation by the complainant, in respect of the same grievance, is not pending in any proceedings before any court, tribunal or arbitrator or any other authority or a decree or award or a final order has not been passed by any such court, tribunal, arbitrator or authority;*

(d) *the representation is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman in any previous proceedings whether or not received from the same complainant or along with one or more complainants or one or more of the parties concerned with the cause of action;*

**(e) *the complainant is not satisfied with the redressal of his grievance by the Forum or the Forum has rejected the grievance or has not passed the order within the time limit specified; or the licensee has not implemented the Forum's Order;***

(f) *the complainant has filed the representation before the Ombudsman within 30 days from the date of receipt of the decision of the Forum or the date of expiry of the period within which the Forum was required to take the decision or the date of expiry of the period within which the distribution licensee was required to implement Forum's order whichever is applicable: Provided that the Ombudsman may entertain a representation after the expiry of the said period of thirty days if the Ombudsman is satisfied that there is sufficient cause for not filing it within that period;*

(g) *the representation of the complainant does not fall under sections 126, 127, 135 to 139, 152 and 161 of the Act.*

(2) *Subject to the provisions of the Act and this Regulation, the Ombudsman's decision as to whether the representation is fit and proper for being considered by it or not, shall be final.*

(3) *The Ombudsman may reject the representation at any stage if it appears to him that the representation is -*

(a) *frivolous, vexatious, malafide;*

*(b) without any sufficient cause;*

*(c) there is no prima facie loss or damage or inconvenience caused to the complainant:*

*Provided that the decision of the Ombudsman in this regard shall be final and binding on the complainant and the distribution licensee:*

*Provided further that no representation shall be rejected in respect of sub- clauses (a), (b) and (c) unless the complainant has been given an opportunity of being heard.*

The Ombudsman has noted that the appellant who is the owner of premise No 11, Sector 11, Chandigarh had filed a complaint before Ld CGRF regarding disconnection of connection No 102/1171/001100X vide his complaint dated 18.08.2023. The connection was disconnected by Respondent No 2 on 30.08.2023 and accordingly the appellant withdrew his complaint No E-104/2023 and Ld CGRF has dismissed the complaint vide their order dated 29.08.2023.

The Respondent No 1 approached the Hon'ble High Court against the disconnection in **CWP-18526-2023**. Respondent No 1 had to withdraw its petition and come before the "CGRF" as per the directions of Hon'ble High Court of Punjab and Haryana. The relevant portion of the judgment passed by the Hon'ble High Court of Punjab and Haryana is as under:

***CWP-18526-2023 (Order date -28.08.2023)***

*"Prayer in the present petition is for seeking issuance of directions to the respondents to release the electricity connection to the petitioner in terms of the law laid down by this Court in the judgment of "Mobin Ansari verses Punjab State Power Corporation Limited and others" reported as 2023 (1) PLR 32.*

*Upon being confronted, learned counsel for the petitioner fairly concedes that there is an alternative efficacious remedy available to the petitioner for seeking redressal the above said grievance before the Consumer Grievances Redressal Forum under the Joint Electricity Regulatory Commission (Establishment of Forum for Redressal of Grievance of Consumers) Regulation, 2009 including the power to grant interim relief under Regulation 5(9)(ii) as per Electricity Act, 2003. He contends that he shall approach the Consumer Grievance Redressal Forum for redressal of his grievance".*

Accordingly, Respondent No 1 approached Consumer Grievance Redressal Forum (CGRF) Chandigarh and filed a complaint vide case No E-111/2023.

Ld. CGRF Chandigarh vide its order dated 21.09.2023 has decided as under:

- a. *That the "Ld. CGRF" after completing the proceedings passed the impugned order on dated 21.09.2023, the relevant part of which is reproduced as under:*

"25. The objection of M/s Rameshwara Hospital Pvt. Ltd., with regard to the breach of terms of the agreement dated 04.11.2015 are the subject matter of their dispute with the complainant, which would be adjudicated upon in the near future and in no case has any bearing on the release of electricity connection in the name of the complainant and its peaceful enjoyment by it. This particular issue of dispute between the owner of the property and its occupier would not deny the occupier to seek electricity connection in its name pending adjudication of dispute and its final outcome, is also covered under the aforementioned two judgements namely also finds mention in the aforementioned judgements. Titled as Mobin Ansari Vs. PSPCL in CWP-13439-2020 dated 23.08.2022 and judgement No. CR-1153-2022 decided on 19.12.2022.

26. "Therefore, in view of the above observations the present complaint of the complainant succeeds against the CEO and the CED is directed to release fresh electricity connection in the name of the complainant in terms of Regulation 5.33 of the JERC Supply Code 2018 by taking on record,

1. Copies of documents filed by the complainant along with its affidavit dated 15.09.2023 as proof of occupancy.
2. Declaration/Undertaking by way of an affidavit.
3. Along with the indemnity bond in the desired format.

The consumer will fulfil the requirement of payment of all the dues as demanded by the CED through its demand notice and also the requirement of purchase of new electricity meter and cable or any other attachment as directed by the CED. The consumer is left with the option of making use of the electricity transformer as existing on its premises since the day of disconnection of aid electricity connection

The Executive Engineer, Elecly. OP Division No. 01, U.T., Chandigarh, being competent authority in the present matter, in terms of Commercial Instructions No. 88 dated 20.08.2014, is directed to complete the entire process of, acceptance of fresh application of the complainant, raising of the demand notice and release of electricity connection within 7 working days of receipt of this letter."

Respondent No 1 has complied the orders passed by Ld. CGRF and completed all the commercial formalities including procurement of new CT/PT unit.

The connection was again objected by the Appellant and he preferred an appeal with Ombudsman as an aggrieved party. Ld. CGRF while deciding the appeal No E-111/2023 has not considered them

as Respondent. During the course of proceedings before Ld CGRF appellant has challenged the jurisdiction of CGRF but did not file any application challenging the jurisdiction of Ld CGRF. The fact of the matter is that the premise in question (House No 11, Sector 11, Chandigarh) is still occupied by Respondent No1. This has also been confirmed in the report of Respondent No 2. The occupancy by Respondent No 1 has also not been disputed by the appellant during the course of proceeding of this case.

From the above it is clear that as per CGRF and Ombudsman Regulations 2019, appellant has no right to file a representation before Ombudsman as the Ld. CGRF has heard the complaint of Respondent No 1 as per the directions of Hon'ble High Court of Punjab and Haryana. After hearing the Respondent No 1 Ld. CGRF directed the Respondent No 2 to provide a new electricity connection to Respondent No 1 within 7 working days. Since there is no compliance of Ld. CGRF order till date the Ombudsman hereby directs the Respondent No 2 to provide new electricity connection to Respondent No 1 within 10 days under intimation to Ombudsman.

The representation/appeal filed by the appellant is legally not maintainable and hereby dismissed.

The Order in Complaint No- E-111/2023 dated-21.09.2023, passed by Learned CGRF-Chandigarh is upheld.

As far as the usage of Transformer, which has been objected by Mr Vinod Kumar, can be used by M/s Atulya as the same has been installed by M/s Rameshwara Hospital for usage by M/s Atulya as the agreement under which it has been installed is still pending for its finality in the Arbitration matter in Hon'ble High Court of Punjab and Haryana.

The upkeep and maintenance of all the equipment beyond metering cubicle shall lies with the Respondent No 1.

The Electricity Department/Licensee is directed to submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within 10 days from the issuance of this Order by email as sufficient time has lapsed

The appeal is disposed of accordingly.



(C M SHARMA)

Electricity Ombudsman  
For Goa & UTs (Except Delhi)

**Dated: 31.10.2023**