



OFFICE
Consumer Grievance Redressal Forum
4/65 Indralok Hydrel Colony
Krishna Nagar, Kanpur Rd, Lucknow.
Contact No. 0522-4022784
electricityforum@gmail.com

Case No. 33/2022

Present:

- 1- Mr. J.M. Abbasi, Chairman as incharge
- 2- Mr. R.D. Yadav, Technical Member
- 3- Mr. Rajneesh Chandra Anuragi, Member Secretary

Kunwar Mukendra Singh
 R/o H. no. 236, Sec- M,
 Aashiyana, Kanpur Road,
 Lucknow

VERSUS 1. Executive Engineer
 Electricity Urban Distribution Division,
 Kanpur Road, LESA, Lucknow.
 2. Chandra Bhushan,
 R/o S.S.-II, 648, Sec-D-1,
 LDA Colony, Kanpur Road,
 Lucknow.

JUDGMENT

1. The present case has been filed by Kunwar Mukendra Singh with request to set aside the order dated 18.03.2021 and for restoration of the connection of the complainant having account no. 5424500000.
2. The brief facts of the case are that the house of the complainant, house no. E-236 Sec-M, Aashiyana, LDA Colony, Kanpur Road, Lucknow is registered at Bahi no. 1, Jild no. 11699 page no. 275 to 290, S. no. 12172 dated 28.06.2010 Deputy Registrar (First) Lucknow and the complainant is having electric connection from past 12 years and paying the bills accordingly. On 02.04.2022 around 05:00 pm the connection was disconnected. On inquiry, it was told by the concerned offices that the connection was disconnected based on a order dated 18.03.2021 for disconnection of the connection of some Mr. Chandrabhushan. The complainant has filed a copy of the bill dated 24.12.2021 for the said account number.
3. Notice was issued to the concerned Executive Engineer (OP-1) and Mr. Chandrabhushan (OP-2). The written statement was filed by the OP-1 stating that the electricity connection no. 5424500000 was disconnected on the application along with fees of Rs. 50/- given by OP-2 for permanent disconnection (PD). The OP-2 stated on the application for the PD along with affidavit that he is the owner of premises House no. E-236 Sec-M, Aashiyana, Lucknow and sought permanent



disconnection of the electric connection. After initiation of the PD process when junior engineer sent lineman for taking out the electricity meter then it came to the knowledge that the present complainant is residing in the said premises and he denied to get the electricity meter uninstalled. Thereafter, the OP-2 again approach this Hon'ble Forum in misc. complaint case no. 04/2021 and this Hon'ble Forum directed the OP-1 to uninstall the electricity meter from the premises and to permanently disconnect the electricity and to provide final bill to the OP-2 it was also directed that if the PD charges are not deposited the same may be charged in the final electricity bill.

4. In compliance of the order dated 18.03.2021 passed by the Hon'ble Forum, the sub divisional officer alongwith junior engineer on 02.04.2022 took out the electricity meter installed in the premises, but this Hon'ble Forum in the instant case passed an order that in misc. complaint case no. 04/2021, Sri. Chandrabhushan vs. Executive Engineer, Vidyut Nagreya Vitran Khand, Kanpur Road, Lucknow it is observed that Kunwar Mukendra Singh was necessary party in the said case who was not made a party in the case and after looking into the evidence it appears that in the said premises i.e. E-236, Sector-M, Ashiyana, Kanpur Road, Lucknow the electricity connection is in the name of the complainant whose electricity connection number is 5424500000. Accordingly, the OP-1 was directed that after conducting the said inspection, the electricity connection of the complainant may be provided instantly. The OP-1 has complied with the order passed by the Hon'ble Forum and the electricity connection is provided to the complainant. Since, the electricity connection is being provided to the complainant, there is no dispute and the instant complaint may be dismissed.
5. The OP-2, in his written statement has submitted that house no. E-236 Sec-M, Aashiyana, LDA Colony, Kanpur Road, Lucknow is allotted from the LDA and he is depositing its instalments and there are many instalment yet to be paid for the said premises. The agreement shown by Mr. Kunwar Mukendra Singh for house no. E-236 Sec-M, Aashiyana, LDA Colony, Kanpur Road, Lucknow is registered at Bahi no. 1, Jild no. 11699 page no. 275 to 290, S. no. 12172 dated 28.06.2010 Deputy Registrar (First) Lucknow, Paragraph 4 of the said agreement specifically states that the First party is not giving the possession of the premises to the second party, the said agreement is not in regard to possession. The possession has not been given to the complainant and the electricity department cannot release a connection without









ownership or possession of the premises. The OP-2 is the registered owner of the said premises and the agreement shown by the complainant before this Forum is illegal and void.

6. OP-2 alleged that the complainant has obtained connection by presenting false documents and misleading the electricity department which is illegal hence the order dated 18.03.2021 is in accordance with the merits of the case and not liable for any changes. He has further stated that he being the owner of the premises gave the request letter to the concerned Executive Engineer on 23.01.2021 upon which the concerned SDO gave directions to deposit the PD bill which was deposited by the OP-2 and the directions for PD were given. The connection was disconnected but some people with the evil intention of taking possession did not allow to uninstall the meter. He has filed the case no. 165/2022 before the Hon'ble Lokayukta U.P., Vibhuti Khand, Gomti Nagar, Lucknow stating that the said premise is allotted to the OP-2 but some disturbing elements of the society obtained the electricity connection illegally. That for disconnection of the said electric connection, the OP-2 approached the department. The PD request was accepted and amount was deposited. When the meter for the said connection could not be removed by the OP-1, the OP-2 filed the complaint no. 165/2022 before Hon'ble Lokayukta. The meter was removed on the notice and order of the Hon'ble Lokayukta.
7. The OP-2 has further stated that on 07.04.2022 this forum passed the order for restoration of the connection no. 5424500000 in the instant complaint without hearing the OP-2 and relying upon the false facts as informed by the complainant and considering the complainant as owner of the said premises while a copy of the allotment letter by the LDA in favour of the OP-2 was annexed with the misc. case no. 04/2021. Thus, the order dated 07.04.2022 is not in accordance with the facts and law hence liable to be set aside.
8. OP-2 has filed a copy of the LDA allotment letter dated 09.01.1993 along with the registration details, letter dated 27.08.2020 from LDA to OP-2 for OTS option along with final calculation detail as per OTS 2020, agreement dated 03.04.2010 order dated 18.03.2021 of this forum, PD fees receipt dated 28.01.2021 of Rs. 50/-, PD request letter dated 23.01.2021 along with affidavit of the OP-2 and notice dated 22.03.2022 to the concerned Executive Engineer and Chairman, UPPCL, Shakti Bhawan, Lucknow from Up-Lokayukta U.P.

R. J.

[Signature]



9. Case status report by Court of Hon'ble Civil Judge (Senior Division), room no. 21, Lucknow in case no. 332/2013 and 175/2015 has been filed on 09.06.2022.
10. Rejoinder was filed by the complainant wherein he alleged that the OP-2 Mr. Chandrabhushan is a dishonest person and due to increase in the value of the premises in question he has malafide intentions. OP-2 was allottee of the said house and he sold the said house to the complainant and after taking the agreed amount, OP-2 handed over the original documents, receipts to the complainant along with possession and based on it the complainant got the electric connection in his name which is continuing from past twelve (12) years.
11. Due to deceit in mind, OP-2 is taking wrong measures. The complainant filed the case no. 332/2013 Kunwar Mukendra Singh v. Chandrabhushan before Hon'ble Civil Judge (Senior Division), room no. 21, Lucknow which is still pending. In the said case, the Hon'ble Court appointed Amin for commission report who filed the report in favour of the complainant before the Hon'ble court. The complainant has filed a copy of the said report by the Amin. He further alleged that OP-2 had deceived this Forum by presenting false affidavit. The complainant has also filed the misc. case no. 141/2015 before the Hon'ble Civil Judge Hawali, for punishment which is also pending and OP-2 Mr. Chandrabhushan is not appearing before the said court.
12. Even after selling the said house the OP-2 is trying to harass the complainant by obtaining duplicate documents from the sub-judice matter in connection with the said house for illegal proceedings while the original documents and possession is with the complainant. The complainant has filed a copy of bill dated 24.12.2021 and 06.08.2022 for connection account no. 5424500000 and 5808026604 respectively in his name, a certified copy of the Amin report from case no. 332/2013 pending before Hon'ble Civil Judge (Senior Division), room no. 21, Lucknow. A copy of application in misc. case no. 141/2015 under Section 340 CrPC read with Section 151 CPC has also been filed.
13. Heard the counsels for the parties and perused the material available on the record.
14. Para 5 of the agreement to sell dated 03.04.2010 states that the purchaser i.e. Kunwar Mukendra Singh will deposit the further instalments and after completing the instalments, the seller would transfer the house to the purchaser. However, the case is pending before Hon'ble Civil Judge (Senior Division) and this forum does not have the jurisdiction to decide the right of ownership/regular possession etc.

R. Ag.

[Signature]

[Signature]



15. This forum looking the previous connection history of the complainant order dated 07.04.2022 directed to restore the connection of the complainant after inspection and the said order was complied accordingly. In the said premises, the connection was in the name of Kunwar Mukendra Singh i.e. the complainant and without giving opportunity of hearing to the consumer, the OP-2 had no right to get the said connection disconnected. OP-2 is neither consumer nor the legal representative of the consumer. OP-2 has mislead the forum as he got the connection of the complainant disconnected based on the false affidavit filed before this forum in misc. case no. 04/2021. As the complainant is found in the possession of the said premises, his connection cannot be disconnected without any valid reason.
16. Since, the electricity connection has been provided to the complainant, there is no dispute left for further adjudication.
17. Judgment accordingly.

ORDER

The complaint is hereby disposed of accordingly.

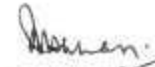
A copy of the order is to be forwarded to Managing Director, MVVNL, 4A Gokhle Marg, Lucknow for information and necessary action.

The Judgment was pronounced and signed on dated 01.10.2022 in open Court.

Let the record be consigned.


(Rajneesh Chandra Anuragi)
Member/Secretary


(R.D. Yadav)
Technical Member


(J.M. Abbasi) 01.10.2022
Chairman as Incharge

सदस्य तकनीकी
विद्युत उपभोक्ता तथा निवारण फोरम
लखनऊ

