



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Case No. 36/2023**

**QUORUM**

Shri Arvind Kumar, Chairman

Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Non-compliance of Consumer Grievance Redressal Forum order dated 19/04/2022 in Appeal no. 127/2021.

**AND**

**IN THE MATTER OF**

Shri Krishna Mohan Agarwal, C 232, Pocket GC4 (4<sup>th</sup> Avenue), Gaur City, Sector-4, Greater Noida West, Gautam Budh Nagar. .... Petitioner

**VERSUS**

Executive Engineer, Electricity Urban Distribution Division, Rambagh, Prayagraj.

.....Respondent

**ORDER**

**(DATE OF HEARING: 14.05.2025)**

1. The Ld. Electricity Ombudsman has recommended proceedings under section 142 of the Electricity Act, 2003 for non-compliance of Consumer Grievance Redressal Forum's Order dated 19.04.2022 in the matter of Shri Krishna Mohan Agarwal Vs Executive Engineer, Rambagh in Appeal no. 127/2021.
2. The operative part of the CGRF's Order dated 19.04.2022 is quoted below:

“विपक्षी को आदेशित किया जाता है कि वह उक्त संयोजन के विच्छेदन की कार्यवाही नियमानुसार करे तदनुसार परिवाद निस्तारित किया जाता है।”

3. The Petitioner had approached the Electricity Ombudsman for non-compliance of the Order dated 19.04.2022 of CGRF Prayagraj. Ld. Electricity Ombudsman, vide Order





dated 19.09.2023 requested the Commission to initiate proceedings under Section 142 of the Electricity Act, 2003 for non-compliance of CGRF's Order dated 19.04.2022.

4. During the hearing, Executive Engineer Shri Umakant Kumar and counsel Shri Amarjeet Singh Rakhra appeared on behalf of the Respondent whereas, the Petitioner Shri Krishna Mohan Agarwal was himself present. The Petitioner submitted that as per the Order of the CGRF, the Respondent executive engineer was required to permanently disconnect the electricity connection. It was further submitted that leave alone permanent disconnection, even the disconnection had yet not been effected by the Respondent executive engineer. The Respondent submitted that the delay in disconnection was due to hindrance created by the people, including ladies residing in that premises, who did not allow the meter to be removed. He further submitted that the meter was finally removed in the presence of police force, including lady constables and a PD final bill of around Rs. 2.75 lac had been issued, which is pending for payment. He further submitted to have lodged an FIR under section 138(b) of the Electricity Act, 2003. The Petitioner, however, reiterated that the occupier is still using electricity.
5. The Commission observed that the Petitioner had submitted an online application dated 12.10.2019 requesting permanent disconnection of his electricity connection, which was in the name of his father, to the Respondent further informing that he should not be made liable for payment of electricity charges beyond 12.10.2019. However, the permanent disconnection was done on 21.09.2023 i.e. after a delay of more than three years.
6. The Commission observes that according to clause 4.38 (i)(c), read in conjunction with clause 4.14(g) of the Supply Code, 2005, the supply should be permanently disconnected, and the final bill be delivered within 30 days of the request made by the consumer. Further, as per clause 4.38 (ii) of the Supply Code, 2005 late payment surcharge for maximum eight months only can be levied. Considering the above provisions, the Executive Engineer should explain why the liability of the Petitioner should not be restricted to electricity consumption upto 30 days after the date of filing of application plus late payment surcharge of eight months thereafter. Executive Engineer should also explain how he intends to recover the balance amount against electricity consumed till the date of removal of meter.

by.





7. To ascertain facts the Commission would like to know the date of finalization of PD & the date of removal of meter from the premises. If the meter was removed and the occupier was still using electricity, it is required to be explained why was the FIR lodged under section 138(b) of Electricity Act instead of section 135 of the Act. The Executive Engineer should submit an explanation along with a copy of FIR. If the occupier is still using electricity illegally what further action has been taken by the Division to ensure no unauthorized use of electricity takes place.
8. Executive Engineer is directed to submit his detailed response on above points along with copy of FIR within 30 days from the date of issuance of this Order. Next date of hearing shall be fixed after the above submission has been made.

**(Sanjay Kumar Singh)**

**Member**

**(Arvind Kumar)**

**Chairman**

Dated: 22.05.2025

Place: Lucknow

