



CONSUMER GRIEVANCES REDRESSAL FORUM
Uttar Haryana Bijli Vitran Nigam
Shakti Bhawan, IInd Floor, Room No.317, Sector-6, Panchkula
E-mail: uhbvn_forum2006@yahoo.com
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Complaint No. CGRF-624/13

To

The Managing Director,
UHBVN, Panchkula.


Memo No. Ch-43/UH/CGRF-624

Dated: 21.2.13

Subject: - Order in respect of complaint of Smt. Amarjeet Kaur regarding release of AP connection.

Enclosed please find herewith the order issued by Consumer Grievances Redressal Forum in respect of above complaint for its compliance.

DA/As above


Secretary,
CGRF, UHBVN,
Panchkula

CC.

1. Secretary/HERC, Sec-4, Panchkula.
2. CE/OP, UHBVN, Panchkula.
3. SE/ 'OP' Circle UHBVN, Karnal.
4. SE/Commercial UHBVN, Panchkula.
5. XEN/IT, UHBVN, Panchkula. (for posting on UHBVN site)
6. XEN/OP Sub-Urban Division No. 1, UHBVN, Karnal with a copy of order.
7. SDO/OP, Sub-Division, UHBVN, Garhi Birbal, Karnal
8. Smt. Amarjeet Kaur w/o Sh. Baldev Dass, C/o Sh. Rajbir Singh, Advocate R/o H. No. 1282, Sector-44-B, Chandigarh.

For information & further necessary action with respect to order of Forum (copy enclosed).



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Complaint No.	UH/CGRF – 624 of 2012
Date of Institution	14.09.2012
Date of Hearing	09.01.2013
Date of Order	09.01.2013

Before the Consumer Grievances Redressal Forum, UHBVNL.

Present:-

1. Sh. S.K. Aggarwal, Member-I.
2. Sh. D.C. Aggarwal, Member-II.

In the matter of complaint of Smt. Amarjeet Kaur W/o Sh. Baldev Dass R/o Village Hinori, Tehsil Indri, Karnal regarding release of AP connection.

.....Complainant

Vs

- (1) XEN, Sub-Urban Division No-1, UHBVN, Karnal.
- (2) SDO, Op Sub-Division, Garhi Birbal, UHBVN, Karnal.

.....Respondents

Appearance:-

For Complainant:

Sh. Rajbir Singh, Counsel for the complainant.

For the Respondent:

Sh. K.K. Bansal, SDO, Op Sub-Division, Garhi Birbal, UHBVN, Karnal.



ORDER

The complainant Smt. Amarjeet Kaur W/o Sh. Baldev Dass is R/o Village Hinori, Tehsil Indri, Karnal and her area falls under the jurisdiction of Op Sub-Division, Garhi Birbal, UHBVN, Karnal and the Forum has the jurisdiction to hear this complaint.

It has been pleaded by the complainant that she submitted an application to the SDO for installation of New AP- Tubewel connection which was forwarded to the XEn who returned the same with the remarks that all usual formalities for release of connection may be completed and to take further action as per SC no- U-38/2004 and U-11/2012. she has explained to the respondent SDO number of times that she purchased land measuring 39 Karnal & 14 Marla vide sale deed dt 28.11.11 from the joint holding but she is the possession of specific Killa and she wants to install tubewel connection whereas it is relevant to mention that although co-sharers have installed TW connection in their land but they are raising objection for installing the TW connection on the land of the applicant.

One person Mr. Kanshi also filed a Civil Suit for permanent injunction / restraining the applicant and other co-sharers to cultivate the land but in that case also the Court has only restrained to alienate the specific Khasra number to third party by sale or mortgage and there is no stay with regard to any installation of any a TW or installation of electric connection in the agriculture land.

Without electricity connection she cannot irrigate the land and will suffer from great irreparable loss by non-installing the AP TW connection. Moreover the Hon'ble Court has passed order with regard to installation of electric connection in the joint Khewat.

The complainant ahs prayed that her present application may be allowed and a AP TW connection may be installed in the land in the interest of justice.

The application of the petitioner was received in this office of the Forum on 12.9.12. The Forum considered the facts and found the petition feasible of acceptance and the same was admitted. Accordingly, notice of motion dated 14.9.12

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was issued to both the parties asking complainant to submit affidavit and asking respondent to submit version.

The respondent submitted the version dt 4.12.12 stating that in her registry the complainant is Co-sharer in the land but without any Khasra / Killa No etc in her name. In Jamabandi her name does not appear. In Intkal there is no Killa No shown/mentioned in the name of the complainant. In the decision of the Civil Court it is clearly mentioned that Co-sharer cannot sell the specific Khasra No out of the joint land but co-sharer can alienate the specific Khasra No out of joint land. All the Co-sharers are deemed to be in possession over every part of the joint land. As per Jamabandi for 2004-05, entire suit land is still joint and the same has not been partitioned between the Co-sharers so far. Therefore, it cannot be said that the applicant - plaintiff is in possession of any specific Khasra No.

As per the Sales Instructions No- **13/2003** for release of T/Well connections.

1. Copy of Jamabandi Girdawari indicating that the applicant is a joint owner.
2. Other owners give an affidavit that they have no objection if the TW connection is released in the name of the applicant.
3. The applicant indemnifies the UHBVN against any legal complication disputes arising out of the joint ownership.

As per SC No- **U-38/2004** the applicant should be legal occupant of the premises and having consent of the existing consumer.

As per SC No- **U-4/2008** Fard/Murabba/Khasra number should be mentioned.

In this case co-sharers have not given their consent in favour of the complainant.

Advise of the XEn SU Division No-1, UHBVN Karnal was taken who has advised that the applicant be considered in view of the above SCs.

From above its is very much clear that for accepting the application of the complainant the Khasra/Killa numbers are required. Consumer was asked to complete the above formalities but she has failed to submit the necessary documents.

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Summons were issued to both the parties for hearing on various dates between 19.10.12 and 9.1.2013 as the complainant requested for submission of some additional documents, office of GM/Comml was also invited to offer comments and various respondents attended. The complainant argues her case through her Counsel and submitted an affidavit that there is no dispute between the co-sharers, the land in her occupation is being cultivated by her and Intkal of the land area has been done in her favour. She submitted another affidavit to indemnify the respondent Nigam and its successors for any damages claimed or to be claimed against the Nigam by any person including herself or any other person for giving of electric connection by the Nigam to her. She is lawful occupier of the land but it has not been possible for her to obtain consent of other co sharers. She contested that a Tubewel connection is already installed and is in operation in the co-shared land which is in the name of one of the other co-sharers. If the other co-sharers can enjoy electricity connection facility why the complainant should not be barred. This is against principal of natural justice.

Various SCs have been placed before the Forum by the respondent SDO in support of his contention. These have been examined and it is observed that –

1. SC No- U-13/2003 lays down three conditions for release of TW connection where the land is in joint name-
 - a. Copy of Jamabandi Girdawari, indicating that the applicant is a joint owner.
 - b. The other owner(s) affidavit that they have no objection if the TW connection is released in the name of the complainant.
 - c. The applicant indemnifies the UHBVN against any legal complication / dispute arising out of the joint ownership.
2. SC No- U-38/2004 dated 25.10.2004 - this SC is not applicable to this case as this related to change of consumer's name and is not relevant to this case.
3. SC No- U-4 / 2008 – refer that in respect AP tubewel connection an applicant is required to submit a copy of the Fard in the office of the SDO indicating the Murabba / Killa number where the connection has to be released. So where the Murabba / Killa number are recorded the case can be considered.

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4. SC No- U- 11/2012 dated 17.5.2012 - is not relevant to this case.
5. The complainant has supplied a copy of the Register of Intkal in which her name appears against respective Khasra Nos, a copy signed by the Sarpanch detailing the Nakal of Chijra specifying the locations of the land area under the control of the complainant.

The Forum considered the facts and observed that the land is in joint possession of complainant and others. She meets with first and third condition of the SC No- U-13/2003. As regards second condition, the other co-sharers have not given NOC in her favour.


The Forum therefore decides that complainant is not eligible for the TW connection in the co-sharer land until the other co-sharers give no objection in her favour.

The complaint is hereby disposed of without any cost on either side. File be consigned to the office record.

The order is signed by the Consumer Grievances Redressal Forum on 09.01.2013.

The compliance of the order be informed to the Forum with fifteen days from the date of receipt of the Order.


(D.C. Aggarwal)
Member-II


(S.K. Aggarwal)
Member-I

