**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn. Opp. Verka Milk Plant, Ferozepur Road, Ludhiana**

**Tel: 0161-2971912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-111/2023**

**Date of Registration : 24.08.2023**

**Date of Closing : 14.09.2023**

**Date of Final Order : 22.09.2023**

**In the Matter of:**

 **Sh. Gurdeep Singh,**

**Vill. - Kotha Guru, Teh. - Phul,**

**Bathinda.**

**A/c No.: KG2060.**

**Through:**

Sh. Gurdeep Singh  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/DS Division,

PSPCL, Bhagta Bhai Ka. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-111/2023 has been filed in this Forum as an appeal by the petitioner against the decision dated 31.07.2023 of Divisional CGRF, DS Divn. Bhagta Bhai Ka, in the matter related to A/c no. KG2060, in the name of Sh. Gurdeep Singh. Petitioner was having AP tube well connection of 15.00 BHP under DS Division, PSPCL, Bhagta Bhai Ka. Connection of the petitioner was checked by Sr. Xen/DS Divn., Bhagta Bhai Ka and LCR no. 35/306 dated 06.07.2017 was prepared. As per report, this connection in the name of S. Gurdip Singh S/o S. Roop Singh Vil., Kotha Guru, was not in the property of his ownership. And it was directed to take the action as per instructions of PSPCL.

In accordance with the above LCR, notice with probable memo no, 1427 dated 07.07.2017 was issued to the petitioner that why the connection was taken in the property of some other’s ownership. At the same time, connection of the petitioner was permanently disconnected vide PDCO no. 46/1383 dated 07.07.2017 effected on 08.07.2017 and dismantlement was carried out on 08.07.2017. On 05.03.2020 i.e., after approximately two and half years, petitioner submitted his representation in the O/O Dy. CE/DS Circle, Bathinda, for reconnection of his connection. Dy. CE/DS Circle, Bathinda wrote letter to CE/Commercial, PSPCL, Patiala and requested for the directions for the reconnection. CE/Commercial, PSPCL, Patiala vide his office Memo no. 129/SV-96/Misc/V-2 dated 29.07.2020 clarified to Dy. CE/DS Circle, Bathinda that instruction nos. 31 of ESIM-2018 and 34 of Supply Code-2014 are already existing and suitable necessary action in this matter can be taken accordingly. Petitioner approached the O/O of Chief Minister of Punjab for help. His representation was forwarded to Chief Secretary, Department of Power, Punjab, vide probable no. 142 dated 10.12.2021. Thereafter, the matter was decided by CE/DS, West Zone, PSPCL, Bathinda and petitioner was informed vide Memo No. 2286/775/SPS/DD/BTI dated 14.02.2022 as under: -

*“ਇਸ ਕੇਸ ਵਿੱਚ ਕੁਨੈਕਸ਼ਨ ਕੱਟੇ ਨੂੰ ਚਾਰ ਸਾਲ ਤੋਂ ਵੱਧ ਦਾ ਸਮਾਂ ਹੋ ਚੁੱਕਾ ਹੈ ਅਤੇ ਅਜਿਹੇ ਕੇਸ ਵਿੱਚ ਕੁਨੈਕਸ਼ਨ ਦੁਬਾਰਾ ਜੋੜਨ ਲਈ ਕੋਈ ਹਦਾਇਤਾਂ ਨਹੀਂ ਹਨ ਜੀ।”*

Not satisfied with this, petitioner filed his case in Hon’ble Punjab and Haryana High Court with CWP-11065-2023 and on 29.05.2023 case was disposed of as withdrawn and he was advised to prefer an appropriate petition before the Consumer Grievances Redressal Forum and/or before an appropriate competent authority as per law.

Petitioner then approached Corporate CGRF, Ludhiana for his case to be decided where he was directed that his case, being non-monetary issue, comes under jurisdiction of Divisional CGRF. ASE/DS Divn. Bhagta Bhai Ka was written about the same vide Memo no. 742/43 dated 04.07.2023. Divisional CFRF, DS Divn., Bhagta Bhai Ka, decided the case in its meeting dated 31.07.2023 that the time of six years has been lapsed since PDCO of this connection, therefore, RCO cannot be done.

Not satisfied with the above decision, petitioner filed appeal in Corporate CGRF, Ludhiana. Forum heard the case in its proceedings dated 24.08.2023, 29.08.2023, 05.09.2023 and finally on 14.09.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 24.08.2023***

*The petition has been placed before the Forum for admission. After considering the averments made in the petition, the petition is admitted. Notice be issued to ASE/Sr. Xen/Op. Bhagta Bhaika (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is a competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Respondent shall also ensure the following action:-*
	1. *He will submit point-wise/para-wise reply to the petition be submitted in form of hard copy & soft copy (in word format) through Email at* *secy.cgrfldh@gmail.com*
	2. *He will submit copy of complete consumer case.*
	3. *He will submit copy of checking report no. 35/306 dated 06.07.2017 and copy of PDCO no. 46/1383 dated 07.07.2023 depicting date of effect thereof and relevant instruction in support of the action taken.*
	4. *He will submit copy of decision of Divisional CGRF along with its case file.*
	5. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the connection has been disconnected.*
	6. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 29.08.2023*

***Proceedings dated: 29.08.2023***

*Respondent submitted documents related to the case and the same have been taken on record but did not submit the reply to petition.*

*Respondent is directed to submit the point-wise reply to the petition and specific reply to point no. 4(e) of proceeding dated 24.08.2023, on next date of hearing.*

*The case is adjourned to 05.09.2023 for submission of reply.*

***Proceedings dated: 05.09.2023***

*Respondent submitted reply to petition. One copy handed over to the petitioner. Petitioner requested some time to file the rejoinder on next date of hearing.*

*During the discussion of the case, Respondent was asked about what action was taken on representation made by petitioner to Hon’ble CM, Punjab. Further, it is observed that complaint/representation was made by petitioner to Hon’ble CMD, PSPCL, Patiala, Respondent is directed to submit final orders of competent authority in respect of both complaints/representations.*

*Further Respondent shall submit copies of the petition filed in case no. CWP-11065-2023 in Hon’ble Punjab and Haryana High Court along-with reply to the same. Also, Respondent shall submit details regarding Memo no. 5039 dated 12.07.2017 written to AE/Sub-Division, Bhagta Bhai Ka for investigating and fixing responsibility of delinquent officials/officers and final outcome in this context. Further Respondent shall submit how it was established that connection was running in somebody else’s land before disconnecting the connection on 07.07.2017 when AE/DS Bhagta Bhai Ka has been asked to investigate the matter vide Memo no. 5039 dated 12.07.2017 that whether this connection was released at a wrong place ab initio or it was shifted by the consumer later.*

*Petitioner is directed to submit copy of reply submitted by him to AEE/DS Divn., Bhagta Bhai Ka Sub-Division Memo no. 1427 dated 07.07.2017 sent to him at the time of disconnection of the connection.*

*Respondent is further directed to intimate mode of delivery his probable Memo No. 1427 dated 07.07.2017 of AEE/DS Division Bhagta Bhai Ka with documentary evidence.*

*Petitioner stated that he filed RTI application to get the record, Respondent is directed to submit RTI record along-with copy of relevant instructions based up on which connection was disconnected on next date of hearing.*

*The case is adjourned to 12.09.2023 for submission of documents/oral discussion.*

***Proceedings dated: 12.09.2023***

*Respondent submitted comments/available record in accordance to directions as in hearing dated 05.09.2023 the same is taken on record. One copy given to petitioner.*

*Petitioner stated that the petition/rejoinder and other documents already submitted may also be considered as part of oral discussion.*

 *Respondent stated that the reply to the petition and other documents already submitted may be considered as oral discussion.*

*Both the parties have nothing more to say and submit.*

*The case is closed for passing speaking orders.*

1. **FACTS OF THE CASE AND OBSERVATIONS OF THE FORUM: -**
2. The Petitioner bearing A/c no. KG2060, is having tube well connection with sanctioned Load of 15.00 BHP, in the name of Sh. Gurdeep Singh, under DS Division, Bhagta Bhai Ka.
3. The Petitioner in his Petition prayed that: -
	* + 1. *That the brief facts of my case are that one tubewell connection of 15 BHP bearing Account no. K.G. 2060 AP was issued in my land on my name in General Category in the year 2012. In the year 2017, there was some problem in my bore well and at that time my financial position was not well and due to this reason, I was not in position to repair or dug new bore well, Whereas, at that time the paddy season was ahead and I required water for my crop immediately. Therefore, I temporarily connected my connection in the adjoining land. Then some person made my complaint and due to the complaint, the authorities checked my connection on 06.07.17 and found that the connection was attached in the adjoining land and due to this reason the tubewell connection was disconnected by the authorities. Thereafter, I immediately contacted the authorities and requested to reconnect the above connection. But the authorities were not ready to reconnect. Then I arrange money to dig new bore well in my land I succeeded in this and dug new bore well in my fields.*
			2. *That it is pertinent to mention here that the electricity line is already connected to my fields and it is still intact and therefore I sent representation dated 05.03.20 to the Deputy Chief Engineer, PSPCL, Bathinda and requested that now I dug new bore well in my land and kindly reconnect my connection. Copy attached. In my case when I inspected from the department then I came to know that the Deputy Chief Engineer, PSPCL, Bathinda wrote letter dated 23.07.20 to the Chief Engineer/Commercial, Powercom Patiala and requested to issue directions that weather the connection of the petitioner can be reconnected again and in reply to this letter the Chief Engineer Patiala wrote letter dated 29.07.20 to Deputy Chief Engineer, Bathinda that there are specific provisions in this regard are already mentioned in regulation 31 of ASIM 2018 and under regulation 34 of Supply Code 2014 and he can take action as per his own level. Copy attached.*
			3. *That from this it is clear that the Chief Engineer Patiala directed to the Deputy Chief Engineer Bathinda to take action at his own level as per specific rules in this regard. Even then the Deputy Chief Engineer Bathinda failed to do any action and failed to reconnect my connection. I wrote many letters to the department, but nothing was done on my request. Then I wrote one letter to the Hon'ble Chief Minister Punjab in regard to my connection. Thereafter the office of Hon'ble Chief Minister i.e., Chief Secretary, PSPCL, Govt. of Punjab had also wrote one letter in the month of 10 Dec.2021 to the department and directed to take action in my case. Copy attached.*
			4. *That thereafter, the Deputy Chief Engineer Bathinda failed to take action as per law and also failed to reconnect my connection as per the provisions of Regulation 34 of Supply Code 2014 and wrongly rejected my request vide order dated 14.02.2022 by saying that now more than 4 years have been passed after the disconnection and in that type of case there is no provision given under the rules. Copy attached.*
			5. *That I challenged the above order dated 14.02.22 before the Hon'ble High Court in a civil writ petition vide CWP no. 11065 of 2023. In this writ petition the Hon'ble High Court disposed of the writ petition with liberty to the applicant to approach this Hon'ble Commission and further direct this Hon'ble Commission to looked into my matter and take expeditious decision. Copy of the Hon'ble High Court Order is attached.*
			6. *That therefore, through this present application 1 approached this Hon'ble Commission with a request to consider my request expeditiously and issue direction to reconnect my tubewell connection before the paddy season. I am also mentioning here that I am ready to deposit the required fee as per law.*

*Kindly consider my request and reconnect my tubewell connection immediately. I shall be very thankful to you.*

1. The Respondent in his reply stated that: -

*ਲੜੀ ਨੰਬਰ 1 ਅਨੁਸਾਰ ਤਸਦੀਕ ਕੀਤਾ ਜਾਦਾ ਹੈ ਕਿ ਉਪਰੋਕਤ ਕੇਸ ਤੋਂ ਇਲਾਵਾ ਪਟੀਸ਼ਨਰ ਅਤੇ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐਲ ਵਿਚਕਾਰ ਹੋਰ ਕੋਈ ਵੀ ਕੇਸ ਪੈਂਡਿੰਗ ਨਹੀ ਹੈ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 2 ਇਸ ਕੇਸ ਨਾਲ ਸਬੰਧਤ ਨਹੀਂ ਹੈ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 3 ਅਨੁਸਾਰ ਤਸਦੀਕ ਕੀਤਾ ਜਾਦਾ ਹੈ ਕਿ ਸ੍ਰੀ ਗੁਰਦੀਪ ਸਿੰਘ (ਪਟੀਸ਼ਨਰ) ਖੁਦ ਹੀ ਉਪਰੋਕਤ ਕੁਨੈਕਸ਼ਨ ਦਾ ਮਾਲਕ ਸੀ ਉਸ ਵੱਲੋਂ ਖੁਦ ਹੀ ਕੇਸ ਨੂੰ ਡਿਫੈਂਡ ਕੀਤਾ ਜਾ ਰਿਹਾ ਹੈ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 4 (ਏ) ਅਨੁਸਾਰ ਉਪਰੋਕਤ ਪਟੀਸ਼ਨ ਦਾ ਜਵਾਬ ਪੁਆਇੰਟ ਵਾਈਜ਼ ਤਿਆਰ ਕਰਕੇ ਉਸ ਦੀ ਹਾਰਡ ਅਤੇ ਸਾਫਟ ਕਾਪੀ ਈ.ਮੇਲ ਤੇ ਭੇਜ ਦਿੱਤੀ ਗਈ ਹੈ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 4 (ਬੀ) ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਦਾ ਮੁਕੰਮਲ ਕੇਸ ਨਾਲ ਨੱਥੀ ਹੈ।*

*ਲੜੀ ਨੰਬਰ 4 (ਸੀ) ਅਨੁਸਾਰ ਚੈਕਿੰਗ ਰਿਪੋਰਟ ਨੰਬਰ 35/306 ਮਿਤੀ 06-07-2017 ਅਤੇ ਪੀ.ਡੀ.ਸੀ.ਉ ਨੰਬਰ 46/1383 ਮਿਤੀ 07-07-2017 ਦੀ ਕਾਪੀ ਨੱਥੀ ਹੈ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 4 (ਡੀ) ਅਨੁਸਾਰ ਉਪਰੋਕਤ ਡਿਵੀਜ਼ਨ ਸੀ.ਜੀ.ਆਰ.ਐਫ ਦੇ ਫੈਸਲੇ ਦੀ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਹੈ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 4 (ਈ) ਅਨੁਸਾਰ ਖਪਤਕਾਰ ਨੇ ਏ.ਐਡ.ਏ. ਨੰਬਰ 8176 ਮਿਤੀ 30-11-1990 ਵਿੱਚ ਕੁਨੈਕਸ਼ਨ ਅਪਲਾਈ ਕੀਤਾ ਸੀ, ਅਤੇ ਇਹ ਕੁਨੈਕਸ਼ਨ 11 ਕੇ.ਵੀ ਫੀਡਰ ਰਾਮ ਟਿੱਲਾ ਏ.ਪੀ ਫੀਡਰ ਤੇ ਜਨਰਲ ਕੈਟਾਗਿਰੀ ਅਧੀਨ ਐਸ.ਸੀ.ਓ ਨੰਬਰ 327/514 ਮਿਤੀ 02-12-2013 ਰਾਹੀ ਖਾਤਾ ਨੰਬਰ ਕੇ.ਜੀ-2060 ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ। ਸਿਕਾਇਤ ਪ੍ਰਾਪਤ ਹੋਣ ਤੇ ਇਸ ਕੁਨੈਕਸ਼ਨ ਦੀ ਚੈਕਿੰਗ ਸੀਨੀਅਰ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ, ਵੰਡ ਮੰਡਲ ਭਗਤਾ ਭਾਈ ਕਾ ਵੱਲੋਂ ਈ.ਸੀ.ਆਰ ਨੰਬਰ 35/306 ਮਿਤੀ 06-07-2017 ਰਾਹੀਂ ਕੀਤੀ ਗਈ, ਚੈਕਿੰਗ ਦੌਰਾਨ ਪਾਇਆ ਗਿਆ ਕਿ ਇਹ ਟਿਊਬਵੈੱਲ ਕੁਨੈਕਸ਼ਨ ਉਸ ਦੀ ਮਾਲਕੀ ਵਾਲੀ ਜ਼ਮੀਨ ਵਿੱਚ ਨਹੀਂ ਚੱਲਦਾ ਸੀ। ਇਸ ਉਪਰੰਤ ਇਹ ਟਿਊਬਵੈੱਲ ਕੁਨੈਕਸ਼ਨ ਪੀ.ਡੀ.ਸੀ.ਊ ਨੰਬਰ 46/1383 ਮਿਤੀ 17-07-2017 ਰਾਹੀਂ ਕੱਟ ਦਿੱਤਾ ਗਿਆ। ਉਪ ਮੰਡਲ ਅਫਸਰ ਦੁਆਰਾ ਖਪਤਕਾਰ ਨੂੰ ਮੀਮੋ ਨੰਬਰ 1428 ਮਿਤੀ 17-07-2017 ਰਾਹੀਂ ਨੋਟਿਸ ਦਿੱਤਾ ਕਿ ਤੁਸੀਂ ਇਸ ਸਬੰਧੀ ਸਪੱਸ਼ਟੀਕਰਨ ਦਿਉ ਕਿ ਇਹ ਕੁਨੈਕਸ਼ਨ ਤੁਸੀਂ ਕਿਸੇ ਹੋਰ ਦੀ ਮਾਲਕੀ ਵਾਲੀ ਜ਼ਮੀਨ ਵਿੱਚ ਕਿਉਂ ਲਿਆ?।ਖਪਤਕਾਰ ਵੱਲੋਂ ਇਸ ਸਬੰਧੀ ਕੋਈ ਵੀ ਜਵਾਬ ਨਹੀ ਦਿੱਤਾ ਗਿਆ।*

*ਇਸ ਸਾਰੇ ਕੇਸ ਦੀ ਘੋਖ ਪੜਤਾਲ ਕਰਨ ਅਤੇ ਖਪਤਕਾਰ ਦੇ ਪੁਰਾਣੇ ਕੇਸ ਦੀ ਸਟੱਡੀ ਕਰਨ ਤੇ ਇਹ ਪਤਾ ਲੱਗਾ ਹੈ ਕਿ ਜੋ ਚੈਕਿੰਗ ਵਿੱਚ ਸਕੈਚ ਬਣਾਇਆ ਗਿਆ ਹੈ ਅਤੇ ਜੋ ਅਸਲੀ ਕੇਸ ਦੇ ਵਿੱਚ ਸਕੈਚ ਲੱਗਾ ਹੈਂ, ਉਹ ਦੋਨੋਂ ਇੱਕ ਦੂਜੇ ਨਾਲ ਮੇਲ ਖਾਦੇਂ ਹਨ, ਇਸ ਤੋਂ ਪਤਾ ਲੱਗਦਾ ਹੈ ਕਿ ਕੁਨੈਕਸ਼ਨ ਮੁੱਢ ਤੋਂ ਹੀ ਗੁਰਦੀਪ ਸਿੰਘ ਦੀ ਮਾਲਕੀ ਵਾਲੀ ਜਮੀਨ ਵਿੱਚ ਨਹੀ ਲੱਗਿਆ ਸੀ, ਚੈਕਿੰਗ ਅਧਿਕਾਰੀ ਨੇ ਵੀ ਚੈਕਿੰਗ ਰਿਪੋਰਟ ਉਪਰ ਵੀ ਲਿਖਿਆ ਹੈ ਕਿ ਇਹ ਕੁਨੈਕਸ਼ਨ ਗੁਰਦੀਪ ਸਿੰਘ ਪੁੱਤਰ ਸ੍ਰੀ ਰੂਪ ਸਿੰਘ ਪਿੰਡ ਕੋਠਾ ਗੁਰੂ ਦੀ ਮਾਲਕੀ ਵਾਲੀ ਜਮੀਨ ਵਿੱਚ ਨਹੀ ਲੱਗਾ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਖਪਤਕਾਰ ਨੇ ਉਪ ਮੁੱਖ ਇੰਜੀਨੀਅਰ, ਵੰਡ ਹਲਕਾ ਬਠਿੰਡਾ ਜੀ ਦੇ ਦਫਤਰ ਵਿੱਚ ਮਿਤੀ 05-03-2020 ਨੂੰ ਦਿੱਤੇ ਆਪਣੇ ਬੇਨਤੀ ਪੱਤਰ ਵਿੱਚ ਲਿਖਿਆ ਸੀ ਕਿ ਉਸ ਦੇ ਘਰੇਲੂ ਹਾਲਾਤ ਠੀਕ ਨਾ ਹੋਣ ਕਾਰਨ ਅਤੇ ਪਾਣੀ ਦੀ ਜਰੂਰਤ ਕਾਰਨ ਇਹ ਕੁਨੈਕਸ਼ਨ ਆਪਣੇ ਨਾਲ ਲੱਗਦੀ ਜਮੀਨ ਵਿੱਚ ਲਗਵਾ ਲਿਆ। ਇਸ ਸਬੰਧ ਵਿੱਚ ਖਪਤਕਾਰ ਵੱਲੋਂ ਦਿੱਤੇ ਬਿਨੈ-ਪੱਤਰ ਅਤੇ ਪੁਰਾਣੇ ਕੇਸ ਦੀਆ ਕਾਪੀਆਂ ਪਹਿਲਾ ਹੀ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਨੂੰ ਦੇ ਦਿੱਤੀਆ ਗਈਆ ਹਨ। ਬਿਨੈ-ਪੱਤਰ ਅਤੇ ਇਕਰਾਰਨਾਮਾ ( ਏ.ਐਡ.ਏ) ਫਾਰਮ ਵਿੱਚ ਸਾਫ ਸਬਦਾਂ ਵਿੱਚ ਸਰਟੀਫਾਈ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ 1) ਮੈ ਅਸੀ ਬਿਆਨ ਕਰਦਾ/ਦੇ ਹਾਂ ਕਿ ਮੈਂ/ਅਸੀ ਇਸ ਸਥਾਨ ਦਾ ਦੇ ਮਾਲਕ ਹਾਂ। 2) ਮੈਅਸੀ ਇਸ ਦੁਆਰਾ ਇਕਰਾਰ ਕਰਦਾ/ਦੇ ਹਾਂ ਕਿ ਮੈਂਅਸੀ ਭਾਰਤੀ ਬਿਜਲੀ ਐਕਟ 1910 ਦੀ ਧਾਰਾ 22-ਏ-ਅਤੇ 22 ਬੀ ਅਤੇ ਐਕਟ ਦੀ ਉਕਤ ਧਾਰਾਵਾਂ ਅਧੀਨ ਰਾਜ ਸਰਕਾਰ ਵੱਲੋਂ ਜਾਰੀ ਕੀਤੇ ਹਰ ਕਿਸੇ ਆਦੇਸ਼ ਅਨੁਸਾਰ ਮੈਂ ਅਸੀ ਬਿਜਲੀ ਦੀ ਕਟੌਤੀ ਵਿੱਚ ਲਗਾਇਆ ਪਾਬੰਦੀਆ ਦਾ ਪਾਲਣਾ ਕਰਦਾ/ਦੇ ਰਹਾਂਗਾ/ਗੇ। ਇਸ ਲਈ ਖਪਤਕਾਰ ' ਏ.ਐਡ.ਏ ਫਾਰਮ ਦੀਆਂ ਸ਼ਰਤਾਂ ਨਾ ਪੂਰੀਆ ਕਰਕੇ ਉਪ ਮੰਡਲ ਦਫਤਰ ਵਲੋਂ ਇਹ ਕੁਨੈਕਸ਼ਨ ਪੀ.ਡੀ.ਸੀ.ਉ ਨੰਬਰ 46/1383 ਮਿਤੀ 07-07-2017 ਰਾਹੀਂ ਪੀ.ਡੀ.ਸੀ.ਉਂ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ ਜੀ।*

*ਲੜੀ ਨੰਬਰ 4 (ਐਫ) ਅਨੁਸਾਰ ਤਸਦੀਕ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਕੇਸ ਨਾਲ ਨੱਥੀ ਸਾਰੇ ਡਾਕੂਮੈਂਟਸ ਚੈਕ ਕਰ ਲਏ ਹਨ ਜੀ।*

1. Respondent submitted his reply to proceeding dated 05.09.2023 as under: -
2. *ਪਟੀਸ਼ਨਕਰਤਾ ਵੱਲੋਂ ਮਾਣਯੋਗ ਮੁੱਖ ਮੰਤਰੀ ਪੰਜਾਬ ਨੂੰ ਦਿੱਤੀ ਗਈ Representation ਇਸ ਦਫਤਰ ਵਿਖੇ ਨਹੀਂ ਪ੍ਰਾਪਤ ਹੋਈ ਹੈ।*
3. *ਪਟੀਸ਼ਨਕਰਤਾ ਵੱਲੋਂ ਮਾਣਯੋਗ ਸੀ.ਐਮ.ਡੀ. ਸਾਹਿਬ ਜੀ ਨੂੰ ਮਿਤੀ 09-10-2020 ਨੂੰ ਬਿਨੈ-ਪੱਤਰ ਦਿੱਤਾ ਸੀ ਜੋ ਕਿ ਇਸ ਦਫਤਰ ਨੂੰ ਉਪ ਮੁੱਖ ਇੰਜੀਨੀਅਰ ਵੰਡ ਹਲਕਾ ਬਠਿੰਡਾ ਦੇ ਪੱਤਰ ਨੰਬਰ 16567 ਮਿਤੀ 30-10-2020 ਨੂੰ ਪ੍ਰਾਪਤ ਹੋਇਆ ਸੀ ਦੇ ਸਬੰਧ ਵਿੱਚ ਚੀਫ ਇੰਜੀਨੀਅਰ/ਵਣਜ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐਲ ਪਟਿਆਲਾ ਪਾਸੋਂ ਕਲੈਰੀਫਿਕੇਸ਼ਨ ਮੰਗੀ ਗਈ ਸੀ। ਉਹਨਾਂ ਵੱਲੋਂ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਕਿ ਪੀ.ਡੀ.ਸੀ.ਉ ਹੋਏ ਕੁਨੈਕਸ਼ਨ ਨੂੰ ਆਰ.ਸੀ,ਉ ਕਰਨ ਸਬੰਧੀ ਹਦਾਇਤਾ ਪਹਿਲਾ ਹੀ ਈ.ਐਸ.ਆਈ.ਐਸ ਦੀ ਧਾਰਾ 31 ਅਤੇ ਸਪਲਾਈ ਐਂਡ 2014 ਰੈਗੂਲੇਸ਼ਨ 34 ਵਿੱਚ ਅਨੁਸਾਰ ਕਾਰਵਾਈ ਕਰਨ ਲਈ ਲਿਖਿਆ ਗਿਆ ਸੀ, ਪ੍ਰੰਤੂ ਈ.ਐਸ.ਆਈ.ਐਸ ਦੀ ਧਾਰਾ 31 ਅਤੇ ਸਪਲਾਈ ਕੋਡ 2014 ਰੈਗੂਲੇਸ਼ਨ 34 ਮੁਤਾਬਿਕ ਬਿਜਲੀ ਬਿੱਲਾ/ਚਾਰਜ ਕੀਤੀ ਗਈ ਰਕਮ ਦੀ ਅਦਾਇਗੀ ਨਾ ਕਰਨ ਦੀ ਸੂਰਤ ਵਿੱਚ ਪੀ.ਡੀ.ਸੀ.ਉ ਹੋਏ ਕੁਨੈਕਸ਼ਨ ਨੂੰ ਹੀ ਆਰ.ਸੀ.ਉ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਇਸ ਲਈ ਇਹ ਧਾਰਾ ਇਸ ਕੇਸ ਵਿੱਚ ਲਾਗੂ ਨਹੀਂ ਹੁੰਦੀ ਹੈ।ਇਸ ਤੋਂ ਇਲਾਵਾ ਖਪਤਕਾਰ ਸ਼੍ਰੀ ਗੁਰਦੀਪ ਸਿੰਘ ਨੂੰ ਮੁੱਖ ਇੰਜ ਵੰਡ (ਪੱਛਮ ਜ਼ੋਨ) ਬਠਿੰਡਾ ਜੀ ਵੱਲੋਂ ਆਪਣੇ ਪੱਤਰ ਨੰ: 2286 ਮਿਤੀ 14.02.2022 ਰਾਹੀਂ ਪਹਿਲਾਂ ਹੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ ਕਿ ਉਕਤ ਕੁਨੈਕਸ਼ਨ ਕੱਟੇ ਨੂੰ ਚਾਰ ਸਾਲ ਤੋਂ ਵੱਧ ਦਾ ਸਮਾਂ ਹੋ ਚੁੱਕਾ ਹੈ ਅਤੇ ਅਜਿਹਾ ਕੇਸ ਵਿੱਚ ਕੁਨੈਕਸ਼ਨ ਜੋੜਣ ਲਈ ਕੋਈ ਹਿਦਾਇਤਾਂ ਨਹੀਂ ਹਨ। ਇਸ ਸਬੰਧੀ ਪੱਤਰ ਦੀ ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਨੱਥੀ ਹੈ।*
4. *ਪਟੀਸ਼ਨਰਤਾ ਵੱਲੋਂ ਸੀ.ਡਬਿਲਯੂ.ਪੀ ਨੰਬਰ | 1065/2023 ਅਨੁਸਾਰ ਕੋਰਟ ਕੇਸ ਕੀਤਾ ਸੀ, ਮਾਣਯੋਗ ਅਦਾਲਤ ਵੱਲੋਂ ਮਿਤੀ 29-05-2023 ਨੂੰ "Accordingly, present petition is disposed of as withdrawn. Needless to mention that in the event of the petitioner preferring an appropriate petition before the Consumer Grievances Redressal Forum and/or before an appropriate competent authority as per law, the same shall be looked into and an expeditious decision shall be taken thereupon.*

*ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ।*

1. *ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 5039 ਮਿਤੀ 12-07-2017 ਜੋ ਕਿ ਉਪ ਮੰਡਲ ਭਗਤਾ ਭਾਈ ਕਾ ਨੂੰ ਇੰਨਕੁਆਰੀ ਲਈ ਭੇਜਿਆ ਗਿਆ ਸੀ, ਇਸ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਉਪ ਮੰਡਲ ਅਫਸਰ ਦੇ ਦਫਤਰੀ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਇਸ ਪੱਤਰ ਸਬੰਧੀ ਉਪ ਮੰਡਲ ਦਫਤਰ ਦੁਆਰਾ ਕੋਈ ਵੀ ਕਾਰਵਾਈ ਨਹੀਂ ਕੀਤੀ ਗਈ।*
2. *ਖਪਤਕਾਰ ਨੂੰ ਮੀਮੋ ਨੰਬਰ 1427 ਮਿਤੀ 07-07-2017 ਦੇ ਨੋਟਿਸ ਉਪ ਮੰਡਲ ਦਫਤਰ ਦੁਆਰਾ ਰਜਿਸਟਰੀ ਰਾਹੀਂ ਭੇਜਿਆ ਗਿਆ ਸੀ। ਇਸ ਸਬੰਧੀ ਡਾਕ ਰਜਿਸਟਰ ਦੀ ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਨੱਥੀ ਹੈ।*
3. *ਸ੍ਰੀ ਗੁਰਦੀਪ ਸਿੰਘ ਪੁੱਤਰ ਸ੍ਰੀ ਰੂਪ ਸਿੰਘ ਵੱਲੋਂ ਦਫਤਰੀ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਇਸ ਦਫਤਰ ਵਿਖੇ ਕੋਈ ਵੀ ਆਰ.ਟੀ.ਆਈ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਈ ਹੈ।*
4. *ਸ੍ਰੀ ਗੁਰਦੀਪ ਸਿੰਘ ਸ੍ਰੀ ਰੂਪ ਸਿੰਘ ਦਾ ਏ.ਪੀ ਕੁਨੈਕਸ਼ਨ ਸੀਨੀਅਰ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ, ਵੰਡ ਮੰਡਲ ਭਗਤਾ ਭਾਈ ਕਾ ਦੀ ਚੈਕਿੰਗ ਰਿਪੋਰਟ ਨੰਬਰ 035/306 ਮਿਤੀ 06-07-2017 ਨੂੰ ਗਲਤ ਜ਼ਮੀਨ ਵਿੱਚ ਚੱਲਦਾ ਪਾਇਆ ਜਾਣ ਕਰਕੇ ਉਪ ਮੰਡਲ ਦਫਤਰ ਭਗਤਾ ਭਾਈ ਕਾ ਵੱਲੋਂ ਪੀ.ਡੀ.ਸੀ.ਊ ਨੰਬਰ (46/1383 ਮਿਤੀ 07-07-2017 ਅਨੁਸਾਰ ਕੁਨੈਕਸ਼ਨ ਨੂੰ ਪੀ.ਡੀ.ਸੀ.ਊ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਈ.ਐਸ.ਆਈ.ਐਸ ਵਿੱਚ ਦਰਜ Annexure-1’ B(ਏ.ਐਡ.ਏ ਫਾਰਮ) ਜੋ ਕਿ ਖੇਤੀਬਾੜੀ ਸਪਲਾਈ ਨਾਲ ਸਬੰਧਿਤ ਹੈ, ਵਿੱਚ ਸਾਫ਼ ਸ਼ਬਦਾਂ ਵਿੱਚ ਸਰਟੀਫਾਈ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਕਿ।) ਮੈਅਸੀ ਬਿਆਨ ਕਰਦਾ/ਦੇ ਹਾਂ ਕਿ ਮੈ।ਅਸੀ ਇਸ ਸਥਾਨ ਦਾ ਦੇ ਮਾਲਕ ਹਾਂ। ਪ੍ਰੰਤੂ ਖਪਤਕਾਰ ਵੱਲੋਂ ਕੁਨੈਕਸ਼ਨ ਨੂੰ ਮੁੱਢ ਤੋ ਹੀ ਗਲਤ ਜਗ੍ਹਾ ਵਿੱਚ ਲਗਾਉਣ ਕਾਰਨ ਅਤੇ ਏ.ਐਡ.ਏ ਫਾਰਮ ਦੀਆ ਸਰਤਾਂ ਦੀ ਉਲੰਘਣਾ ਕਰਨ ਕਰਕੇ ਉਪ ਮੰਡਲ ਦਫਤਰ ਵੱਲੋਂ ਇਹ ਕੁਨੈਕਸ਼ਨ ਪੀ.ਡੀ.ਸੀ.ਉ ਨੰਬਰ 46/1383 ਰਾਹੀਂ ਮਿਤੀ 07-07-2017 ਨੂੰ ਪੀ.ਡੀ.ਸੀ.ੳ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ।*
5. Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. The issue that requires adjudication in the present dispute is to decide the legitimacy of decision dated 18.08.2023 of Divisional CGRF, Bhagta Bhai Ka.
6. Forum observed that Connection of the petitioner was checked by Sr. Xen/DS Divn., Bhagta Bhai Ka and LCR no. 35/306 dated 06.07.2017 was prepared. The relevant part of the observations recorded in the LCR is reproduced below: -

*“ਸਬੰਧਤ ਕੁਨੈਕਸ਼ਨ ਮਿਤੀ 6/7/17 ਨੂੰ ਚੈੱਕ ਕੀਤਾ ਗਿਆ। ਪੁੱਛ ਪੜਤਾਲ ਕਰਨ ਤੇ ਪਤਾ ਲੱਗਾ ਕਿ ਇਹ ਕੁਨੈਕਸ਼ਨ ਸ਼੍ਰੀ ਦਵਿੰਦਰ ਸਿੰਘ s/o ਸ਼੍ਰੀ ਈਸ਼ਵਰ ਸਿੰਘ ਦੇ ਖੇਤ ਵਿੱਚ ਚੱਲ ਰਿਹਾ ਹੈ। ਇਸ ਦੇ ਨਾਲ ਹੀ ਇੱਕ ਹੋਰ ਕੁਨੈਕਸ਼ਨ ਸ਼੍ਰੀ ਦਵਿੰਦਰ ਸਿੰਘ s/o ਸ਼੍ਰੀ ਈਸ਼ਵਰ ਸਿੰਘ ਦੇ ਨਾਂ ਤੇ ਚੱਲ ਰਿਹਾ ਹੈ। ਮੌਕੇ ਤੇ ਸ਼੍ਰੀ ਦਵਿੰਦਰ ਸਿੰਘ ਹਾਜ਼ਰ ਹੈ। ਨਕਸ਼ੇ ਵਿੱਚ ਦਰਸਾਏ ਅਨੁਸਾਰ ਸ਼੍ਰੀ ਗੁਰਦੀਪ ਸਿੰਘ ਦੇ ਨਾਂ ਤੇ ਚੱਲਂਣ ਵਾਲੇ ਟਿਊਬਵੈਲ ਕੁਨੈਕਸ਼ਨ ਤੇ ਹਰੇ ਰੰਗ ਦਾ 25 KVA T/F ਲੱਗਾ ਹੋਇਆ ਹੈ। ਜਿਸਦਾ ਸੀਰੀਅਲ ਨੰ. 1223 ਮੇਕ ਡਿਊਰੇਬਲ ਹੈ। ਦਵਿੰਦਰ ਸਿੰਘ ਦੇ ਦੱਸਣ ਮੁਤਾਬਿਕ ਇਹ ਕੁਨੈਕਸ਼ਨ ARTC ਸਕੀਮ ਅਧੀਨ ਚੱਲਿਆ ਹੈ। ਇਹ ਕੁਨੈਕਸ਼ਨ 11 ਕੇ.ਵੀ. ਰਾਮਟਿੱਲਾ ਫੀਡਰ ਤੇ ਚੱਲ ਰਿਹਾ ਹੈ। ਇਹ ਕੁਨੈਕਸ਼ਨ ਨਕਸ਼ੇ ਵਿੱਚ ਦਰਸਾਏ ਅਨੁਸਾਰ ਕੋਠਾਗੁਰੂ ਤੋਂ ਮਲੂਕਾ ਰੋਡ ਤੇ ਖੱਬੇ ਪਾਸੇ ਪਹੀ ਤੇ ਲੱਗਾ ਹੈ। ਮੌਕੇ ਤੇ ਬਿਜਲੀ ਸਪਲਾਈ ਨਹੀਂ ਹੈ ਪ੍ਰੰਤੂ ਕੁਨੈਕਸ਼ਨ ਸਿਸਟਮ ਨਾਲ ਪੱਕੇ ਤੌਰ ਤੋ ਜੋੜਿਆ ਹੋਇਆ ਹੈ। ਮੌਕੇ ਦੇ ਹਲਾਤਾਂ ਤੋਂ ਪਤਾ ਲੱਗਦਾ ਤੇ ਪੁੱਛ ਪੜਤਾਲ ਤੋਂ ਪਤਾ ਲੱਗਦਾ ਹੈ ਕਿ ਇਹ ਕੁਨੈਕਸ਼ਨ ਜਿਸ ਨਾਮ (ਸ਼੍ਰੀ ਗੁਰਦੀਪ ਸਿੰਘ s/o ਸ਼੍ਰੀ ਰੂਪ ਸਿੰਘ, ਕੋਠਾਗੁਰੂ) ਤੇ ਚੱਲ ਰਿਹਾ ਹੈ ਉਸਦੀ ਮਾਲਕੀ ਵਾਲੀ ਜ਼ਮੀਨ ਵਿੱਚ ਨਹੀਂ ਹੈ। ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐਲ ਦੀਆਂ ਤਾਜ਼ਾਂ ਹਦਾਇਤਾਂ ਮੁਤਾਬਿਕ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।”*

In accordance with the above LCR, notice with probable memo no, 1427 dated 07.07.2017 was issued to the petitioner that why the connection was installed in the land of some other’s ownership. At the same time, connection of the petitioner was permanently disconnected vide PDCO no. 46/1383 dated 07.07.2017 effected on 08.07.2017 and dismantlement was carried out on 08.07.2017. On 05.03.2020 i.e., after about two and half years, petitioner submitted his representation in the O/O Dy. CE/DS Circle, Bathinda, for reconnection of his connection. Dy. CE/DS Circle, Bathinda wrote letter to CE/Commercial, PSPCL, Patiala and requested for the directions for the reconnection. CE/Commercial, PSPCL, Patiala vide his office Memo no. 129/SV-96/Misc/V-2 dated 29.07.2020 clarified to Dy. CE/DS Circle, Bathinda that instruction nos. 31 of ESIM-2018 and 34 of Supply Code-2014 are already existing and suitable necessary action in this matter can be taken accordingly. Petitioner also approached the O/O of Chief Minister of Punjab for help. His representation was forwarded to Chief Secretary, Department of Power, Punjab, vide probable no. 142 dated 10.12.2021 which was not received in his office. In the meanwhile, petitioner represented to CMD/PSPCL, against which the matter was decided by CE/DS, West Zone, PSPCL, Bathinda and petitioner was informed vide Memo No. 2286/775/SPS/DD/BTI dated 14.02.2022 as under: -

*“ਇਸ ਕੇਸ ਵਿੱਚ ਕੁਨੈਕਸ਼ਨ ਕੱਟੇ ਨੂੰ ਚਾਰ ਸਾਲ ਤੋਂ ਵੱਧ ਦਾ ਸਮਾਂ ਹੋ ਚੁੱਕਾ ਹੈ ਅਤੇ ਅਜਿਹੇ ਕੇਸ ਵਿੱਚ ਕੁਨੈਕਸ਼ਨ ਦੁਬਾਰਾ ਜੋੜਨ ਲਈ ਕੋਈ ਹਦਾਇਤਾਂ ਨਹੀਂ ਹਨ ਜੀ।”*

Not satisfied with this, petitioner filed his case in Hon’ble Punjab and Haryana High Court with CWP-11065-2023 and it was decided on 29.05.2023 as under: -

*“Upon being confronted with the alternative remedies available to the petitioner under Section 42(5) and thereafter under Section 42 (7) of the Electricity Act, 2003, the petitioner seeks withdrawal of the present writ petition with liberty to take recourse to the alternative remedies available to him in accordance with law.*

*Accordingly, present petition is disposed of as withdrawn. Needless to mention that in the event of the petitioner preferring an appropriate petition before the Consumer Grievances Redressal Forum and/or before an appropriate competent authority as per law, the same shall be looked into and an expeditious decision shall be taken thereupon.”*

Accordingly, Petitioner approached Corporate CGRF, Ludhiana for his grievance. Being non-monetary issue, he was directed that his case, comes under jurisdiction of Divisional CGRF. ASE/DS Divn. Bhagta Bhai Ka, was intimated about the same vide memo no. 742/43 dated 04.07.2023. Divisional CGRF, DS Divn., Bhagta Bhai Ka, decided the case in its meeting dated 31.07.2023 as under: -

*“ਕੁਨੈਕਸ਼ਨ ਨੂੰ ਪੀ.ਡੀ.ਸੀ.ਓ ਕੀਤੇ ਤਕਰੀਬਨ ਛੇ ਸਾਲ ਦਾ ਸਮਾਂ ਹੋ ਚੁਕਿਆ ਹੈ, ਇਸ ਕੁਨੈਕਸ਼ਨ ਨੂੰ ਆਰ.ਸੀ.ਓ ਨਹੀਂ ਕੀਤਾ ਜਾ ਸਕਦਾ।”*

Not satisfied with the above decision, petitioner filed appeal in Corporate CGRF, Ludhiana.

Forum observed that AP connection bearing account no. KG2060, in the name of petitioner, Sh. Gurdeep Singh was found running in land of Sh. Davinder Singh s/o Sh. Ishwar Singh as per LCR no. 35/306 dated 06.07.2017 of Sr. Xen/DS Divn., Bhagta Bhai Ka. The petitioner admitted that he had himself shifted his Tube well connection to the land of Sh. Davinder Singh as his own bore well had developed some snag and that he was not in a position to get it repaired or dig a new bore due to financial problems. However, Respondent submitted that as the sketch in LCR no. 35/306 dated 06.07.2017 and that available in the original consumer case, are same, therefore, he believes that the connection was got released in a wrong land i.e., land not belonging to the petitioner Sh. Gurdeep Singh but belonging to Sh. Davinder Singh, ab-initio.

Forum feels that as mentioned in ibid LCR, another AP connection of 15 BHP in the name of Davinder Singh s/o Sh. Ishwar Singh is also running at the same site since 27.11.2000 as told by Respondent besides the connection under dispute. Hence, it is less likely that either Sh. Davinder Singh or the petitioner could have been interested in getting one more 15 BHP AP connection right at the same place.

Forum observed that actions of both petitioner and Respondent in this case are questionable as described under: -

1. Respondent:

Sr. Xen/DS Divn., Bhagta Bhai Ka checked the site at 6 PM on 06.07.2017, prepared his LCR purely based upon verbal inquiry done at site and on very next day, AEE/DS Divn., Bhagta Bhai Ka issued PDCO no. 46/1383 dated 07.07.2017 effected on very next day i.e., on 08.07.2017. Dismantlement was also carried out on the same day i.e. 08.07.2017. This lightning speed of actions does not appear to be normal. Further, no opportunity was given to the petitioner before taking the harsh action of permanent disconnection and that too without referring/quoting any rules & regulation of the PSPCL. Although a notice was issued to the petitioner vide probable memo no. 1427 dated 07.07.2017 in which it was written that: -

*“ਤੁਸੀ ਇਸ ਸਬੰਧੀ ਸਪੱਸ਼ਟੀਕਰਨ ਦਿਉ ਕਿ ਇਹ ਕੁਨੈਕਸ਼ਨ ਤੁਸੀ ਕਿਸੇ ਹੋਰ ਦੀ ਮਾਲਕੀ ਵਾਲੀ ਜਮੀਨ ਵਿੱਚ ਕਿਉਂ ਲਿਆ? ਕਿਉਂਕਿ ਪੀ.ਐਸ.ਪੀ.ਸੀ.ਐਲ ਦੀਆਂ ਹਦਾਇਤਾਂ ਮੁਤਾਬਿਕ ਤੁਸੀ ਆਪਣੀ ਮਾਲਕੀ ਵਾਲੀ ਜਮੀਨ (ਘੱਟੋ ਘੱਟ ਇੱਕ ਏਕੜ) ਵਿੱਚ ਹੀ ਕੁਨੈਕਸ਼ਨ ਲੈ ਸਕਦੇ ਹੋ। ਸਪੱਸ਼ਟੀਕਰਨ ਨਾ ਦੇਣ ਦੀ ਸੂਰਤ ਵਿੱਚ ਤੁਹਾਡੇ ਵਿਰੁੱਧ ਬਣਦੀ ਕਾਨੂੰਨੀ ਕਾਰਵਾਈ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਜਾ ਸਕਦੀ ਹੈ।”*

But the action regarding PDCO had already been taken before ensuring the service of the above notice. As per submissions of the Respondent made vide memo No. 3627 dated 12.09.2023, this notice was sent to the petitioner through Registered Post. As PDCO was effected on the same date hence, this notice seems to be infructuous, as no opportunity was given to the petitioner and his connection was permanently disconnected and material was dismantled in no time without getting necessary estimate sanctioned from the competent authority. On specific direction of the Forum in proceedings dated 05.09.2023 to intimate mode of delivery of this notice with documentary evidence, he submitted that it was sent through Registered Post and furnished copy of one register which probably indicates that postal stamp worth Rs. 22/- have been issued against this notice but this does not confirm that this notice was ever sent actually as no receipt of Post Office was produced. However, Petitioner denied having received any such notice.

Dismantlement was carried out without getting necessary estimate sanctioned from the competent authority and estimate no. 11309538/21-22 for returning dismantled material to stores was sanctioned by ASE/DS Divn., Bhagta Bhai Ka vide memo no. 518 dated 17.03.2022.

Keeping in view the above Forum observed that a detailed inquiry was required to be held in this case first to establish where the connection was released in the first instance and if it was released at a wrong place then role of concerned officers/officials of PSPCL was required to be investigated for taking action against them for their involvement, if any; but no such inquiry was held at that time and entire responsibility was thrusted upon the petitioner alone and harsh action of PDCO was taken against him without listening to him even once. The action in this case should have been based upon concrete evidence including relevant revenue documents of both places of land.

If the connection had been released at a correct place initially i.e., in the land of the petitioner Sh. Gurdeep Singh and he had shifted it to the nearby land of Sh. Davinder Singh as submitted by him, then it was required to be treated as a case of UUE under Regulation 36(e) and further action was required to be taken of Supply Code and other related Regulations. Further, even if the petitioner had carried out this shifting himself as submitted by him, this was not possible without active involvement/assistance of the officials of the Respondent as it was an HT/HVDS case and PTW was necessary to interfere with 11 KV line. But no inquiry was conducted from this angle.

1. Petitioner:

His connection was checked and LCR no. 35/306 dated 06.07.2017 was prepared and then connection was disconnected permanently on 07.07.2017 and dismantlement work was also completed on 08.07.2017, In accordance with the above LCR, notice with probable memo no, 1427 dated 07.07.2017 was issued to the petitioner and sent through registered post that why the connection was got installed in the land of some other’s ownership. Although petitioner denied the receipt of any such notice, even then he kept mum for a long period of more than two and a half years after his connection was disconnected and material was removed permanently. His silence for more than two and a half years clearly shows that he accepted the action of PSPCL at that time. As per petitioner he submitted 1st representation to Dy. CE/DS Circle, Bathinda for reconnection on 05.03.2020. He submitted that he had shifted his connection himself consequent to failure of his bore at its original place. This action on his part, if true and his silence for 2.5 years after PDCO, are questionable and objectionable. During hearing petitioner stated that he filed an RTI application to seek some information related to this case but he failed to produce any documentary evidence in support of his claim. However, respondent denied that such RTI was filed by the petitioner as per his office record.

From the above discussion, it is broadly brought out that action of the respondent in the present case does not seem to be as per rules and regulations of the PSPCL, hence it is not justified. On the other hand, the petitioner is also equally responsible as did not raise any alarm on the wrong action of the respondent for a long time of two and half years, which shows his acceptance of this action of the respondent.

Forum further observed that Divisional CGRF has held that as a period of about six years has elapsed since its PDCO, therefore, RCO cannot be done in this case. ASE/Works O/O CE/DS, West Zone, PSPCL, Bathinda vide Memo no. 2286/775/SPS/DD/BTI dated 14.02.2022 stated that as a time period of 4 years has been elapsed since disconnection, therefore no instruction is available regarding such case. Forum observed the relevant part of Regulation 34 of Supply Code-2014 reproduced below: -

*“34.3 Where a consumer has been disconnected for more than 6 months but his service line/feeding line irrespective of voltage has not been dismantled, the connection may be reconnected after clearance of default and recovering the following charges:*

*(a) Entire outstanding amount;*

*(b) Monthly minimum charges for the period of disconnection; and*

*(c) Security (consumption) and reconnection fee as applicable in accordance with Schedule of General Charges.*

*Provided the connection can be reconnected without any augmentation of system i.e. it is technically feasible to reconnect the connection from existing system.”*

Forum observed that there are instructions for RCO where service line/ feeding line irrespective of voltage, has not been dismantled. But in the present case, the service line/feeding line has been dismantled and therefore there are no such instructions vide which the connection of the petitioner can be reconnected. Therefore, the decision of Divisional CGRF, Bhagta Bhai Ka, seems to be justified.

Forum observed that the action of SDO/DS Bhagta Bhai Ka on the basis of checking vide LCR no. 35/306 dated 06.07.2017 to disconnect AP connection of the petitioner bearing account no. KG2060 was taken in undue haste, without holding a proper inquiry and properly establishing the facts and it was one-sided as no opportunity was given to the petitioner before taking such action. Chief Engineer/Technical Audit should carry out an in-depth investigation and establish whether the connection was released at a wrong place ab-initio or it was shifted from the land of the petitioner Sh. Gurdeep Singh to the land of Sh. Davinder Singh due to failure of bore-well, as being claimed by the petitioner. Responsibilities are required to be fixed and disciplinary action against the officers/officials of PSPCL and necessary action against the petitioner is required to be taken accordingly.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. In view of the above discussion, Forum is of the opinion that in view of the present instructions, the decision dated 18.08.2023 of Divisional CGRF, Bhagta Bhai Ka, is justified. CE/TA&I, PSPCL, Patiala, is directed to investigate the matter as described above, fix responsibilities and take disciplinary action against delinquent officers/officials of PSPCL and against the petitioner as per his findings.

Keeping in view the above, Forum, came to the unanimous conclusion that the decision dated 18.08.2023 of Divisional CGRF, Bhagta Bhai Ka, be upheld. CE/TA&I, PSPCL, Patiala, is directed to investigate the matter as described above, fix responsibilities and take disciplinary action against delinquent officers/officials of PSPCL and against the petitioner as per his findings.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observations of Forum, Forum decides that: -

1. **Decision dated 18.08.2023 of Divisional CGRF, Bhagta Bhai Ka, is upheld.**
2. **CE/TA&I, PSPCL, Patiala, is directed to investigate the matter as described above, fix responsibilities and take disciplinary action against delinquent officers/officials of PSPCL and against the petitioner as per his findings.**
3. **As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.**
4. **If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed / designated by the Punjab State Electricity Regulatory Commission within 30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 22.09.2023**