

**BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND-RANCHI**

**(2<sup>nd</sup> floor, Sainik Market, Main Road, Ranchi – 834001)**

**Present - Nalin Kumar**  
***Electricity Ombudsman***

Dated – Ranchi, the 19th day of March 2026

**Appeal No. EOJ/06 of 2024**

Jaleshwar Mahto, S/o- Late Lala Mahto, R/o Village- Pirtol, P.O. Sugnu, P.S.-  
Khelgaon Town, District- Ranchi, Jharkhand.

..... Appellant

**Versus**

1. JBVNL & Ors. through its Managing Director, Office of Engineering Building,  
H.E.C. Township, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand –  
834004.

2. General Manager-cum-Chief Engineer, Electric Supply Area, Kusai Colony,  
Doranda, Ranchi, Jharkhand – 834002.

3. Electrical Superintending Engineer, Electric Supply Area, Kusai Colony,  
Doranda, Ranchi, Jharkhand – 834002.

4. Electrical Executive Engineer, Electric Supply Division, Ranchi (East), Kusai  
Colony, Doranda, Ranchi, Jharkhand – 834002.

5. Assistant Electrical Engineer, Electric Supply Sub- Division, Tatisilwai, Ranchi.

6. Nayan Devi, W/O Sri Shiv Dayal Chaturvedi, R/O- Beed Banglow, P.O. & P.S.  
– Tatisilwai, District- Ranchi.

..... Respondent(s)

For the Appellant : Mr. Alok Anand, Advocate  
: Mr. Ramesh Kumar Singh, Advocate  
For Respondent : Mr. Utpal Kant (Additional Counsel)  
(1 to 5)  
For Respondent : Mr. Prabhat Singh, Advocate  
(6)

(Arising out of Judgement passed in Case No. 02 of 2024 dated 12/6/2025  
by the Learned VUSNF, Ranchi)

### **J U D G E M E N T**

1. The instant appeal has been preferred against Judgement/Order dated 12.6.24 passed by VUSNF, Ranchi in case No. 02 of 2024 wherein case of the complainant/Respondent No. 6 to grant electric connection was dismissed and the appellant/Intervenor respondent who prayed for restoration of his electric line vide Consumer No. TT9247 was directed to wait for reconnection considering that title of the concerned premises or land is subjudice before the competent court.

#### **Appellant's Case**

2. The appellant, who was Intervenor/Respondent before the learned Forum below, has preferred the present appeal, giving details of the factual and legal aspects of the case, summarized below:

i) The appellant came in possession of R.S. plot No. 543,562,563,565,566 and 567 of Khata No. 92 situated at village Mahilong, P.S.- Tatisilwai, Dist.- Ranchi, pursuant to a written agreement for sale dated 31.3.1999 executed and entered by all the successors in interest of Khatiani Raiyat for valuable consideration. The appellant herein came in actual

peaceful possession and constructed 2 rooms over a small portion of the said land.

ii) When the sale deed was not being executed, the appellant preferred Title Suit No. 91/2010 in the Court of Sub judge 1, Ranchi for the specific performance of the said agreement dated 31.3.99, which was ultimately allowed by Judgement/Decree dated 20.4.2010. In compliance of the said decree registered sale deed dated 14.5.2010 was jointly executed by all the land owners in his favour making his right, title, interest, ownership and possession absolute over the subject land and 2 roomed premises.

iii) An application for electric connection was made which was duly considered by the authority and after making necessary verification and inspection, electric connection was granted on 16.6.2014 vide Consumer No. TT 9247.

iv) During Covid pandemic, without giving any notice to the appellant, respondent JBVNL authorities in violation of the provision of JSERC (Electricity Supply Code) Regulations, 2015 disconnected his electric supply on account of outstanding dues on 5.3.2020. Post Covid the appellant made payment of the outstanding dues amounting to Rupees 40,620/- to JBVNL on 12.10.2023.

v) However, during the interregnum, Respondent No. 6, who was the complainant before the Forum below, by concealing necessary facts made an online application bearing no. NC 314218303 for grant of electric connection for the same premises/land and the authorities concerned without making spot inspection and verification regarding outstanding dues against the premise granted electric connection in her name for extraneous

consideration. The moment appellant came to know about the illegal connection granted to Respondent No. 6 Nayan Devi on his premises in connection with which OS No. 1297/2019 (arising out of original partition suit No. 412 of 2011) is being pursued between the landowner, appellant and Nayan Devi (Respondent No. 6), he vide application dated 9.10.2023 lodged a protest against the illegal action of the authorities, pursuant where to the electric connection granted to Respondent No. 6 Nayan Devi was terminated vide Letter No. 1441 dated 10.10.2023.

vi) The said Nayan Devi without impleading this appellant has filed Case No. 02/2024 before the learned VUSNF, Ranchi for quashing the Letter No. 1441 dated 10/10/2023 and restoration of electric connection in her name. Respondent JBVNL in the counter affidavit has mentioned that Nayan Devi has tried to get electric connection in connivance of the outsourcing agency and upon giving false information about the outstanding dues, suppressing the fact that the said 2 roomed premises/land was having prior electric connection vide Consumer No. TT 9247 right since 16.6.2014.

vii) The appellant having come to know about filing of the case by Nayan Devi filed an Intervention Petition for his impleadment as respondent and learned Forum allowed the same and got him impleaded as respondent. The appellant filed an elaborate counter affidavit in the nature of a cross complaint praying therein that electric connection TT 9247 be restored as he has already cleared the dues. It is also highlighted that the complainant before the learned forum below was not given the consumer number and her fraud and misrepresentation was exposed by the appellant's representation leading to cancellation of the electric connection granted to her.

viii) The Khatiani land owners belonged to OBC community and therefore alleged transfer of land by one of them, namely Amrit Mahto, who was suffering from mental illness, has lost his capacity to understand and was under medical treatment; vide sale deed dated 6/6/2001 and 16.7.2002 in favour of complainant Nayan Devi, who belong to General Caste without permission of Deputy Commissioner is hit by Section 46 of the CNT Act. This contention stood upheld by the High Court vide order dated 16.9.2019 in WP(C) No. 3486 of 2015.

ix) In miscellaneous Case No. 01/2021-22 before Additional Collector, Ranchi an enquiry was conducted and upon proper site verification the report submitted by competent revenue officers as contained in Letter No. 1189 dated 29.9.2021 of Circle Inspector mentions that the appellant has been found to be in continuous possession of the said land or premise right since 31.3.1999.

x) The appellant's exclusive physical possession of the premise/land in question stood verified, accepted and acknowledged since 16.6.2014 by respondent JBVNL as is evident from order dated 13.1.2024 passed by additional collector, Ranchi in Misc. Case No. 01/2021-22 and therefore JBVNL cannot question possession of the appellant as owner/occupier of the said premise/land in terms of Clause 5.1.1 of the Supply Code read with Section 43 of Electricity Act, 2003.

xi) Learned Forum below vide its order/Judgement dated 12/6/2024, though had dismissed the complaint filed by Nayan Devi mentioning that she got the electric connection fraudulently; the appellant was directed to wait for restoration of his electric connection till disposal of the pending

Partition Suit which is illegal and incorrect as admittedly the appellant does not have any electric dues against him and all the documents suggest that he is the owner/possessor of the relevant premises/land and therefore fulfills the necessary precondition under the Electricity Act and relevant Regulation for restoration of his electric connection.

**Respondent 1 to 5 (JBVNL) Case:**

3) The Respondent JBVNL through the counter affidavit filed has placed its case which is summarized below:

i) Complaint Case No. 02 of 2024 was filed by Smt. Nayan Devi praying to quash Letter No. 1441 dated 10/10/2023 issued by Assistant Electric Engineer, JBVNL, Tatisilwai, Ranchi and also for restoring the electric connection as well as compensation.

ii) Complainant Nayan Devi claimed to have purchased the land appertaining RS Plot No. 543,562,563,565,566 and 567 of Khata No. 92 vide a registered sale deed and mutation thereof in her name was done by Circle Officer, Namkum on 16/12/2012. She made an application for electric connection and had deposited Rs. 4160/- on 6/10/2023 and got an electric connection thereafter.

iii) Within few days on 9/10/2023 an objection was filed by the present appellant and founding substance on his objection vide Memo No. 1441 dated 10/10/2023 electrical connection of the complainant Nayan Devi was disconnected. Thereafter the present appellant also filed an Intervention Petition before learned Forum below on 20/3/2024 which was allowed.

iv) The complainant Nayan Devi applied for electric connection via online mode on 6/10/2023 for Khata No. 92 Plot No. 562,563 at Mahilong, Saraitoli, Tatisilwai, Ranchi and alongwith Malgajari Receipt and the Application No. was NC 314218303. The meter was installed by the outsourcing agencies before the site verification without necessary enquiry; and therefore the moment the electricity department came to know through the appellant's objection petition that the connection was taken suppressing the fact that there is an outstanding dues for the said premises and also a dispute regarding ownership, the same was disconnected.

v) The appellant was granted an electric connection on 16/6/2014 having Consumer No. TT 9247 and the same was disconnected on 5/3/2020, prior to Covid 19 lockdown on 24/3/2020, for nonsubmission of dues amounting to Rs. 40,615/-, which was deposited by him on 12/10/2023.

vi) Owing to the pending land dispute going on between the appellant and Respondent No. 6 and also as per the direction of the learned Forum below, the electrical licensee has not given fresh connection or reconnection to any of the claimants.

### **Case of Complainant/Respondent No. 6 Nayan Devi**

4) Though no elaborate counter affidavit has been filed by the complainant/ Respondent No. 6 Nayan Devi and only preliminary objection regarding maintainability of the present appeal under Section 20(3) of JSERC, Ranchi (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020; mentioning that the appellant was not the complainant before the learned Forum below and therefore appeal filed by

him is not maintainable. This Authority vide Order dated 19/6/2025 after elaborately discussing all the aspects has kept the order on maintainability in abeyance till final hearing of the appeal on merit.

5) For sake of clarity, I would like to summarize the factual and legal aspects raised by the complainant/ Respondent no. 6 Nayan Devi which is as follows:

i) A complaint under 42(5) of the Electricity Act, 2003 for quashing/setting aside letter contained in Memo No. 1441 dated 10/10/2023 issued by Assistant Electric Engineer, Tatisilwai by which an electric connection of the petitioner was disconnected without following legal procedure and without any notice. Prayer for reconnection and compensation of Rs. 5 lakhs due to mental agony was also made.

ii) The petitioner's husband, an employee of Usha Martin Company, after his retirement in 2001 purchased land appertaining to RS Plot No. 543,562,563,565,566,567 of Khata No. 92, Mahilong, Tatisilwai, Ranchi from landowner Amrit Lal Mahto vide registered sale deed executed on 16/7/2002. The said land was mutated in her name after correction slip was issued by Circle Officer Namkum on 16/12/2002.

iii) She made an application before the concerned authorities for an electric connection on 10/6/2023 and deposited Rs. 4160/- towards application fee, meter test fee, service connection charge and security amount. Soon thereafter an electric connection was granted and she started using the electricity supplied through electric meter 314018303.

- iv) By Memo No. 1441 dated 10/10/2023 issued by AEE, Tatisilwai the said connection was ordered to be disconnected which has been challenged as unsustainable in law and fact.
  - v) One Jaleshwar Mahto filed a Title Suit 91/2010 claiming a decree for specific performance of an agreement to sale but the complainant was not made a party therein. On suppression of this fact Jaleshwar Mahto succeeded in getting a decree in his favour on 20/4/2010 and got registered sale deed executed on 14/4/2010.
  - vi) It is relevant to mention that the sale deed executed in favour of the complainant has not been cancelled by a competent court and her name is running in register 2, revenue record of the government.
  - vii) An application filed by Jaleshwar Mahto before the court of Additional Collector, Ranchi has been rejected vide order dated 13/1/2024.
  - viii) Once an electric connection is granted to consumer, the same cannot be disconnected without showing violation of Section 56(2) of 135 of the Electricity Act, 2003.
- 6) It is relevant to note that the original complainant before the learned Forum below, despite dismissal of her complaint has opted not to file an appeal. It is the Intervenor Respondent who has preferred the present appeal and thereafter the only objection raised on behalf of the complainant/Respondent No. 6 Nayan Devi before this Forum is regarding maintainability of appeal.
- 7) The learned Forum below after elaborate discussion has held that the complainant/petitioner Nayan Devi has tried to take electric connection

fraudulently i.e. in connivance with outsourcing agency and giving false statement about outstanding dues while applying for connection; hence the court decided to dismiss the case, Simultaneously the respondent is directed to wait for connection/reconnection to either of the parties after clearing the Partition Suit over the disputed land by the competent authority.

### **Submissions on behalf of Appellant**

8) Heard Mr. Alok Anand, the learned counsel for the appellant at length. He took this Forum throughout the length and breadth of his memo of appeal, documents annexed with it as well as all other documents filed on behalf of all the parties available in the lower court record. He relied upon a number of case laws wherein the Hon'ble Supreme Court as well as High Courts has emphasized that fraud vitiates everything and anyone who has procured anything/Order by playing fraud deserves no benefit from it and the same shall be treated null and void in the eyes of law. The second legal proposition on which certain case laws have been filed is that any person found eligible to get electric connection should not be denied the same as the same is necessary to live a dignified life in modern days.

The case laws on which learned counsel for the appellant has relied are as follows:

- i) S.P. Chengalvaraya Naidu (Dead) by L.Rs. Vs. Jagannath (Dead) by L.Rs. and Ors. MANU/SC/0192/1994.
- ii) K.D.Sharma Vs. Steel Authority of India Ltd. and Ors. MANU/SC/3371/2008.

- iii) CHANDU KHAMARU Vs. NAYAN MALIK and OTHERS, Civil Appeal No. 7572 of 2011 decided on September 2, 2011.
- iv) Sudharshan Kumar Sharma and Anr. Vs. State of NCT of Delhi and Ors. in W.P.(C) 13217( High Court Delhi) decided on 14.11.2022.
- v) Om Parkash Vs. Balkar Singh and Others, CR-1153-2022 (High court of Punjab & Haryana) decided on 19.12.2022.
- v) Abhimanyu Mazumdar and Ors. Vs. The Superintending Engineer and Ors. in WP No. 423 of 2010 (High Court of Calcutta (Circuit Bench at Port Blair) decided on 11.02.2011.
- vi) Union of India & Ors. Vs. Mahendra Singh (SC Civil Appeal No. 4807 of 2022)
- vii) Nookala Setharamalah Vs. Kotaiah Naidu and Ors. (SC Civil Appeal No. 2121 and 2122 of 1969) decided on 31.03.1970.
- viii) United Commercial Bank Vs. Hanuman Synthetics Ltd. and others (1984 SCC Online Cal 63: AIR 1985 Cal 96 : (1987) 61 Comp Case 245 : 1984 Arb LR 313) decided on march 30, 1984
- ix) Hardevinder Singh Vs. Paramjit Singh and Others (2013) 9 Supreme Court Cases 261 : (2013) 4 SCC (Civ) 309 : 2013 SCC Online SC 19 decided on January 7, 2013.

### **Argument on behalf of Respondent No. 6**

9) Heard Mr. Prabhat Singh, advocate on behalf of private respondent No. 6 who was complainant before the learned Forum below. It is submitted that the appeal is not maintainable as the appellant was not the complainant

before the learned Forum below and original complainant Nayan Devi (Private Respondent herein) has accepted the verdict/award of the learned VUSNF, Ranchi and has opted not to prefer any appeal against it. He prays for dismissal of the appeal on the ground of maintainability itself.

**Submissions on behalf of Respondent JBVNL:**

10) Heard Mr. Utpal Kant on behalf of respondent JBVNL. It is submitted that the licensee has opted not to restore the electricity connection of the appellant in view of the direction passed by VUSNF as it has been directed that connection to either of the parties should not be given during the pendency of Partition Suit between the parties over the disputed land. It is submitted that respondent JBVNL is ready to abide by the direction by this Forum.

**Discussion on the point of maintainability:**

11) Having heard all the parties and considered the entire gamut of pleading and evidences brought on record by way of annexed documents. This court shall proceed first to decide the first the maintainability of the present appeal. Section 20(3) of JSERC, Ranchi (Guidelines for Establishment of Forum for redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 reads as follows:

1) -----

2) -----

3) The complainant had before making a representation to the Electricity Ombudsman made a written representation to the Forum of distribution Licensee named in the complaint and either the Forum has rejected the complaint or the complainant had not received any reply within a period of three months from date of filing of the grievance or the complainant is not satisfied with the order of the Forum or the order of the Forum has not been complied with.

12) Admittedly, private respondent No. 6 Nayan Devi was the complainant and the appellant filed an intervention petition raising objection to the relief sought by the complainant, wherein he has also prayed that as he was having an electric connection in the same premises/land in his name since 2014 which was disconnected on ground of default of payment in 2020 and subsequently he has paid the arrears due to him to JBVNL and therefore his electric connection should be restored. In that view of the matter Intervention Petition which was allowed by learned Forum below vide order dated 20/3/2024, is in fact in the nature of a counter claim seeking some relief for himself and not confine only to oppose the claim/prayer made by the complainant. In that view of the matter, this Forum is of the considered view that irrespective of the nomenclature (Tag) attached with the appellant, he shall also be considered as a complainant/petitioner before the learned Forum below. Accordingly the appellant, by virtue of nature of relief sought by him before the learned Forum below, based on the merit of his own case, fully qualifies to be treated as a complainant, and therefore, fulfills the eligibility as prescribed under Regulation 20(3) of JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers, Electricity Ombudsman and Consumer advocacy) Regulations, 2020 to

prefer an appeal before this Forum. Accordingly the present appeal is found and held as maintainable.

### **Discussion on merit:**

13) This Forum would not discuss or consider the claim of the Respondent No. 6 who was the complainant before the learned Forum below as she has opted not to file any appeal and has admittedly accepted the verdict passed by VUSNF, Ranchi. Accordingly, this Forum would consider as to whether the appellant Jaleshwar Mahto, who admittedly was having an electric connection for the said disputed land/premises since 2014 and has cleared the dues of the licensee in 2023 qualifies for restoration of the electric connection or not.

14) It is well settled that, though electricity connection is part and parcel of a dignified life in modern times, but nobody can claim its connection as a matter of right, without fulfilling the necessary precondition/criteria prescribed under the relevant laws, rules and regulations. In this context Section 43(1) of the Electricity Act, 2003 prescribes as follows:

“ Save as otherwise provided in this Act, every Distribution Licensee, shall, on an application by the **owner/occupier** of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.”

Regulation 5.5 of the supply code 2020 provides for the necessary requisition for new electricity service connection. Regulation A12 of Jharkhand Supply Code 2020 provides for disconnection and reconnection of service.

Regulation 12.3 speaks about temporary disconnection, sub clause (a) whereof provides for power to distribution licensee to cut off supply of electricity to the consumer in case of negligence/default in payment of electrical dues, after giving 15 days' notice. Regulation 12.13 provides for reconnection wherein it is mentioned that if any service is disconnected on account of nonpayment of electrical charges by the consumer to the distribution licensee, the consumer has to pay the charges due from him in addition to charges for disconnection and reconnection. Regulation 12.14 provides that the distribution licensee shall restore the electrical supply after receipt of due charges alongwith disconnection and reconnection charges.

### **Finding:**

15) Having discussed the legal provision mentioned above, and upon marshalling of the facts already discussed in the preceding paragraphs, it is evident that the land/premises seems to be in possession of the appellant. The report of the Circle Inspector submitted in the mutation cancellation proceeding before Additional Collector Ranchi also supports possession of the disputed premises/land in favour of the appellant. As already mentioned section 43 of the Electricity Act, 2003 speaks about an application by the owner or occupier. Admittedly an electricity connection was granted in favour of the appellant way back in 2014 and was disconnected temporarily due to outstanding electrical charges dues, which admittedly was deposited in year 2023. It can therefore be inferred that the appellant fulfills all the legal criteria mentioned in the preceding paragraphs in which regulation 12.14 of JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations 2020 is attracted, once the appellant deposits the

necessary disconnection and reconnection charges as claimed by the licensee JBVNL.

16) Before parting with the order, it is made clear that the question of title or ownership of the disputed land/premises has to be decided by the court of competent jurisdiction, where the dispute is pending between the parties. The order is being passed by this Forum only on the limited finding that the appellant was having electric connection on the same land/premises since 2014 and being in possession of it, he deserves reconnection upon payment of arrears, subject to fulfillment of other charges in the nature of disconnection and reconnection charges. Finding of this forum would not affect in any manner whatsoever the right title and interest of either of the litigating parties, the only exception being right of the appellant to have electric connection thereon.

17) In result, this appeal stood **ALLOWED** and respondent 1 to 5 JBVNL is directed to restore the electric connection of the appellant on the disputed land/premises subject to payment of any charges including disconnection and reconnection charges, within a fortnight.

Let a copy of the Order be served on all the parties.

Dictated & corrected by me

Sd/-  
Electricity Ombudsman

Sd/-  
(Nalin Kumar)  
Electricity Ombudsman