

BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND-RANCHI

(2nd floor, Sainik Market, Main Road, Ranchi – 834001)

Present - Nalin Kumar
Electricity Ombudsman

Dated – Ranchi, the 11th day of June’ 2026

Appeal No. EOJ/04 of 2026

Binay Kumar, S/O Late Raghav Sharan Singh, Resident of Raghavpuri,
Behind S.P. Awas, Kanhery Hill Road, Thana Korrah, District: Hazaribag.

..... Appellant

Versus

1. Bibhuti Sharma Vidhyarthi, S/O Late Raghav Sharan Sharma, Resident of
Madhavpur, S.P. Awas, Canahary Hill Road, P.O. & Thana: Hazaribag,
District: Hazaribag.

2. Jharkhand Bijli Vitran Nigam Limited (JBVNL) through its General
Manager cum Chief Engineer, Electric Supply Area, Hazaribag, P.O. –
Hazaribag, P.S. – Sadar, Dist. – Hazaribag.

3. The Deputy General Manager, Electric Supply Area, Hazaribag, P.O. –
Hazaribag, P.S. – Sadar, Dist. – Hazaribag.

4. Electrical Executive Engineer, Electric Supply Division, Hazaribag, P.O.
– Hazaribag, P.S. – Sadar, Dist. – Hazaribag.

5. The Assistant Electrical Engineer urban, Electric Supply Sub Division,
Katkamsandi, P.O. & P.S. – Katkamsandi, Dist. – Hazaribag.

..... Respondent(s)

For the Appellant : Mr. Ashish Gautam, Adv.
For Respondent(1) : Mr. Alok Raj, Adv.
For Respondent(2 to 5) : Mr. Utpal Kant, Adv.

(Arising out of Order No. 130 passed in Case No. 29 of 2025 dated 30/1/2026 by the Learned VUSNF, Hazaribag)

J U D G E M E N T

1. The instant appeal is filed against order dated 30.1.2026 passed by learned Forum below VUSNF, Hazaribag in Case No. 29 of 2025 whereby it is ordered for restoration of electric connection of Respondent No. 1 (CYD17038) and after verification of appellant's documents and upon hearing him disconnect his electric connection CYD28080, within two months.

2. In view of the fact that this appeal is being disposed of on preliminary issue, this Forum does not propose to go into the details pleaded and submitted on behalf of litigating parties. Suffice it to mention that the appellant who claimed to be lawful owner/possessor of the premises situated at Mouza Sarley, Plot Nos. 428 and 252, having acquired the property via Agreement of Sale dated 4/1/2006; claimed to have allowed claimant/petitioner/ Respondent No. 1 Bibhuti Sharma Vidhyarthi, his elder brother, to reside in the premises out of familial goodwill. Upon return after retirement from Bokaro Steel Plant, he made an application seeking disconnection of previous electric connection CYD 17038 and applied for fresh connection alongwith necessary documents. The department disconnected the earlier electric connection CYD 17038 and granted him

fresh connection CYD28080 after finding the documents valid prima facie. Respondent No. 1 in whose name old Connection No. CYD 17038 was allotted filed a case in the Forum below registered as Case No. 29 of 2025 alleging that the appellant herein and respondent below Binay Kumar has misrepresented and committed fraud by submitting manufactured documents based on impersonation of his signature. The learned Forum below vide the impugned order dated 30/1/2026 allowed the complaint and granted relief in favour of Respondent No. 1 Bibhuti Sharma Vidhyarthi as detailed above. Aggrieved by the order the present appeal is filed.

3. After admission parties appeared through their respective counsels and filed counter affidavits on their behalf. Meanwhile vide order dated 2/4/2026, after hearing the parties on an I.A., order dated 30/1/2026 was stayed to the extent of disconnecting the electric connection of the appellant, as period of two months granted by the lower Forum has just lapsed. The petitioner respondent No. 1 Bibhuti Sharma Vidhyarthi in a detailed counter affidavit has claimed his Title/Possession of the premises legal and valid. Based on which the electricity department/licensee has granted him valid and legal electric connection vide Consumer No. CYD17038. He claimed that the so called agreement of sale dated 4/1/2006 produced by the appellant is forged, fabricated and manufactured document. It is also alleged that his signature has also been forged and he was impersonated in his absence while he was away to his village home after sad demise of his wife. A bunch of documents including photocopy of the receipts of amounts paid against electric connection no. CYD17038 in his name, photocopy of an FIR of Hazaribagh Sadar in case no. 562/15 dated 20/05/2015 under section 135, 136 of Indian Electricity Act in which he was one of the accused, rent

receipts of the premises issued by Hazaribagh Nagar Nigam in the name of Bibhuti Sharma Vidyarthi, receipts issued by Hazaribagh Nagar Parishad in his name as well as photocopy of notarized agreement dated 04/01/2006 allegedly executed by the power of attorney holder of the premises Shri. Sunil Singh in favour of Bibhuti Sharma Vidyarthi and also order taking cognizance dated 29/04/2024 passed by a learned ACJM, Hazaribag in Complaint Case No. 2624 of 2023 has been filed.

4. Counter affidavit on behalf of Respondent No. 2 to 5 has also been filed admitting that earlier in the same premises electricity connection bearing Consumer No. CYD17038 existed in the name of private respondent Bibhuti Sharma Vidhyarthi and subsequently the same was disconnected on the basis of application submitted by the appellant Binay Kumar and fresh connection no. CYD28080 was granted in his favour finding the documents produced by him. Subsequently the department came to know that the consent paper of the earlier allottee Bibhuti Sharma Vidhyarthi is allegedly fake. Pursuant to order dated 30/01/26 passed by learned VUSNF Hazaribagh, the answering respondents called upon the parties to furnish relevant supporting documents alongwith affidavits before learned JM 1st class but till date the present appellant has not submitted any such document before them.

5. Shri Ashish Gautam, learned Counsel on behalf of the appellant made a pinpointed and precise argument as to whether the appellant is required to be heard following the principle of Natural Justice before passing the order impugned or not. Attention of this Forum is drawn to para 7 of the impugned order wherein it is mentioned “ that on 30/1/2026 petitioner advocate filed a list of documents i.e. copy of the certified copy of the Complaint Case No.

2624/2023 and the copy of the certified copy of the Complaint Case No. 2087/2023”. It is highlighted that in the very next paragraph the Forum below has given its finding at the Respondent No.1 (Appellant herein) had taken electric connection by the JBVNL by way of Forgery. Learned counsel submits that on the same date i.e. on 30/01/2026 the impugned order was passed without hearing the appellant herein on these documents and without furnishing the copies of the document. He prays for setting aside the impugned order on this point alone.

6. Heard Shri Utpal Kant learned counsel for Respondent No. 2 to 5 and Mr. Alok Raj Advocate on behalf of Respondent No. 1 Bibhuti Sharma Vidyarthi. The learned counsels placed their respective cases as mentioned in their counter affidavits, elaborately discussed the preceding paragraphs. However they could not justify or defend action of the learned Forum below in considering the documents produced on behalf of Bibhuti Sharma Vidyarthi on 30/01/2026, relying upon the same and opining that the Respondent No.1 Binay Kumar has played fraud in getting the connection, without hearing him or his counsel.

7. Having considered the submissions above mentioned and after going through the case record, without going into the merits of the case this Forum set aside the order dated 30/01/2026 by the Forum below VUSNF Hazaribagh on the sole ground of violation of Principle of Natural Justice. It is well settled that for the purpose of granting electric connection, the Electricity Licensee is not supposed to go into the details of Title, rather has to satisfy itself that the person seeking connection is in possession/user of the said premises. It is equally well settled that rules of Bhartiya Sakshya Adhiniyam 2023 is not strictly applicable while deciding disputes by

forums/ tribunals. However, the principle of natural justice in the nature of giving proper hearing to the parties concerned, before deciding the dispute between them applies with full force. In view of the fact that principle of natural justice by giving proper hearing to appellant Binay Kumar was not followed after a bunch of documents mentioned in Para 7 of impugned order was filed on behalf of Bibhuti Sharma Vidyarthi, the order dated 30/01/2026 is set aside. Matter stood remanded to learned Forum below VUSNF Hazaribagh, which would decide the matter at the earliest, preferably within 2 months, without being prejudiced by any factual aspects mentioned in this order. The appeal stood disposed of.

Let a copy of this order be sent to learned VUSNF Hazaribag as well as both the parties, who shall present themselves before VUSNF Hazaribag on 22nd June, 2026.

Sd/-
Electricity Ombudsman