



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.2582 of 2025

08th September, 2025

Executive Engineer Electricity

Distribution Division

.....Petitioner

Versus

Ms Radha Govind Seeds and

Alied Products Pvt. Ltd.

.....Respondent

Presence:-

Ms. Abhilasha Tomar, Advocate for the petitioner.

Hon'ble Pankaj Purohit, J.

The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner, Uttarakhand Power Corporation Limited (hereinafter referred to as "UPCL"), assailing the order dated 18.02.2025 passed by the Electricity Ombudsman, Uttarakhand, in Representation No.27 of 2024, whereby the Ombudsman has directed the petitioner to refund the excess amount levied in the respondent's electricity bills on account of excess demand, by way of adjustment in future bills.

2. The brief facts of the case are that respondent is a consumer of electricity supplied by the petitioner, having Connection No. JSOK00002339. Initially sanctioned for 140 KVA, the load was enhanced to 350 KVA in the year 2019. However, due to non-submission of certain requisite documents, including the No Objection Certificate from the Electrical Inspector, the approval was delayed. The service enhancement was actually came into effect only January, 2024 onwards. During the said period, the respondent's maximum demand exceeded the sanctioned limit, resulting



in billing under excess demand charges, which, as per the applicable tariff regulations, are levied at four times the normal fixed charge.

3. Aggrieved by such billing, the respondent initially approached the Consumer Grievance Redressal Forum (CGRF), Rudrapur, which dismissed the complaint on 21.05.2024. Thereafter, the respondent filed Representation No.27 of 2024 before the Electricity Ombudsman, who, by the impugned order, directed refund of the excess charges through adjustment in future bills, finding that the delay in enhancement of load was not entirely attributable to the respondent and that the levy of charges for excess demand during the pendency of the application was not justified in the facts of the case.

4. Learned counsel for the petitioner contends that the billing was done strictly in accordance with the applicable Rate Schedule and relevant regulations, which prescribe penal charges for exceeding the sanctioned demand. It is submitted that the delay in approval of the enhanced load was due to the respondent's failure to submit mandatory documents in time, and therefore, the respondent cannot avoid liability for the charges levied during the intervening period.

5. Having considered the submissions of learned counsel for the petitioner and perused the material on record, this Court is of the view that no interference is warranted with the well-reasoned order passed by the Electricity Ombudsman in exercise of jurisdiction under Article 227 of the Constitution of India.

6. The scope of interference under Article 227 is limited to cases where there is a manifest error of law or perversity in the order impugned. The Electricity Ombudsman, being the statutory appellate authority under



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the Electricity Act, 2003, has considered the factual matrix in its entirety, including the conduct of both parties, and the regulatory framework.

7. The Ombudsman has rightly observed that while the respondent may have contributed to some delay, the petitioner also took an inordinately long time in processing the application, and therefore, the levy of penal charges during the pendency of a *bona fide* enhancement request — particularly when such demand was within the proposed limit — could not be justified.

8. Furthermore, the direction to refund the excess amount through adjustment in future bills is an equitable relief that balances the interests of both parties and causes no undue prejudice to the petitioner.

9. In view of the above, this Court finds no reason to interfere with the impugned order. The writ petition is accordingly dismissed.

10. No order as to costs.

(Pankaj Purohit, J.)
08.09.2025

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