

OFFICE OF THE ELECTRICITY OMBUDSMAN
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057
(Phone-cum-Fax No.: 011-41009285)

Appeal No. 02/2021

(Against the CGRF-BYPL's order dated 19.10.2020 in Complaint No. 52/2020)

IN THE MATTER OF

Shri Ram Kumar

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Ram Kumar

Respondent: Shri K. Jagatheesh, Sr. Manager, Shri Imran Siddiqi,
Manager (Legal) and Ms. Ritu Gupta, Advocate, on behalf
of BYPL

Date of Hearing: 25.03.2021

Date of Order: 07.04.2021

ORDER

1. The appeal No. 2/2021 has been filed by Shri Ram Kumar for implementation of the order of the Forum (CGRF-BYPL) dated 19.10.2020 passed in Complaint No. 52/2020. The issue concerned in the Appellant's grievance is regarding non-release of the new electricity connection by the Discom (Respondent) in respect of his property bearing H.No. 7, B- Block, First Floor, Khasra No. 17/6, 40 Feet Road, R.S.T. Enclave, Near RCS Convent School, Johripur Extension, Karawal Nagar, Delhi - 110094.

2. The brief background of the case is that the Appellant had been applying for new electricity connection for the first floor of his house situated in Karawal



Nagar continuously since the last five years from 2015 onwards but every time his connection has been refused by the Discom with the objection that his premises falls in the State of Uttar Pradesh (U.P.). He applied for the new electricity connection latest on 21.02.2020, but the Discom rejected his application again this time also on a different pretext that a domestic electricity connection already exists. The Appellant submitted that earlier his electricity connection was rejected on account of his premises falling in the U.P. area and ELCB (Earth Leakage Circuit Breaker) required and thereafter now it has been rejected on the pretext that the new connection cannot be released since already one domestic connection exists in the premises. This clearly shows that he is being harassed unnecessarily by the Discom.

The Appellant further submitted that the basic demand of the Discom for release of the connection during the last five years has been, that, he should provide verified map from Revenue Department in respect of his premises where the new connection has been applied for in order to show that the same lies in Delhi Area. The Appellant has stated vide his written statement that he has submitted the required supporting documents in respect of his premises every time, depicting that the said premises falls in Delhi area, but the Discom has never considered these documents for the reasons best known to them.

3. The Appellant approached the CGRF praying for imparting the necessary directions to the Discom for release of his connection. As per the Appellant the first hearing was held through video-conferencing on 05.10.2020 vide which he was asked to file all the documents relating to his property which can prove that his property is situated in Delhi area and in addition to above he was also asked to submit SDM's Revenue Records in respect of the said property. The Discom did not file any reply and during the hearing it was conveyed by them that they are also trying to find the records/maps to prove that this property is situated in U.P. The Discom was also directed by the CGRF to produce the relevant SDM Revenue Records which can show as to where this property lies viz, in U.P. or Delhi area as the case may be. The Discom was also directed by the CGRF to get the matter resolved amicably.

The Appellant further submitted that the next date of hearing on 16.10.2020 was also organized through video conferencing but due to the network problems voice of both the parties were not clearly audible and the conversation was



breaking up off and on. He further stated that without completing the proper hearing, the CGRF conveyed him that he will get the final order within a week's time by post. He also stated that the order was issued without giving him any further date for another hearing where he could present his documents etc. Although, the hearing was inconclusive on that day yet the final order was issued by the CGRF and on 02.11.2020 he received the final order from the CGRF rejecting his plea and prayer for release of the connection. His supporting documents for the property situated in Delhi Area sent through E-mail from time to time as per the requirement, were not considered by the CGRF. It is pertinent to mention here that the Discom did not submit any documents in order to prove that the said property is situated in U.P.

The CGRF through its order directed the Appellant to produce the Revenue Records of the property from the office of the SDM, Karawal Nagar and also to make necessary amendments in his property to show that the first floor portion of the house, where the connection is required to be installed, is a separate dwelling unit having separate kitchen and separate entry to the floor. The Discom was also directed to release the connection, if the Appellant presents the revenue records of his house being in Delhi and creates separate entry to the first floor of the house as per the regulations.

4. Aggrieved with the order of the CGRF, the Appellant has preferred the present appeal on the grounds that although he had submitted the relevant revenue records from the office of the SDM and his property is already having two rooms set with separate kitchen and bathroom on the first floor with common use stairs, yet the Discom is not implementing the order of the CGRF by releasing the connection. Basically the present appeal has been filed by the Appellant to get the CGRF order implemented by the Discom. The Appellant also confirmed that although he had already submitted all the documents viz, Revenue Map, Photographs of separate entry for First Floor, the proof of separate kitchen, proof of Delhi address from DJB (Delhi Jal Board), EDMC and Postal Department through E-mail on 19.12.2020 to the Discom as required vide the order of the CGRF yet he received a categorical reply from the Discom that their decision of not releasing the connection is firm and final. This clearly shows the monopolistic attitude of the Discom since they are not even honouring the orders of the CGRF and are not prepared to even consider the various documents as submitted by him.



5. The Discom in its reply contended that the present appeal is not maintainable since as per the Appellant himself there is no infirmity in the order of the CGRF and the only issue of the Appellant is basically for implementation of the order of the CGRF. The Discom submitted that in order to prove that the property of the Appellant lies in Delhi, he is relying on the registered GPA dated 05.11.2020 which has been executed by Smt. Sheela Rani, w/o the Appellant herein, in favour of the Appellant, Shri Ram Kumar, in respect of the said property bearing No. B-7, Johripur Extension. According to the Discom the premises in issue falls in Kardam Farm, Johripur Extension area and there is a dispute in this regards as to which portion of the Kardam Farm falls in Delhi area and which portion falls in U.P. area and further the final demarcation is still pending with the Revenue Department. The Discom further submitted that the registration of GPA does not amount to demarcation of land by the Revenue Department. In the said GPA, the executant and in whose favour the same is executed are shown to be resident of House No. 67, Gali No. 20, Chander Park, Krishna Nagar, Delhi. As such, the said GPA cannot be considered as verification by the Revenue Department that the property in issue falls in Delhi.

With regards to the second direction given by the CGRF regarding the first floor to be shown as a separate dwelling unit by the Appellant, the Discom stated that from the photographs submitted by the Appellant, it cannot be ascertained whether the premises are divided into two dwelling units and each having a separate kitchen and separate entry or not. In view of above, the Discom concluded that since the documents supplied by the Appellant do not fulfill the directions given by the CGRF, as such they are not in a position to grant fresh electricity connection to him.

6. After hearing both the parties and going through the material on record, the basic issue which emerges is that the Discom refused to release the new electricity connection during the last five years on account of non clarity on the issue of whether the area where the said property exists fall in the State of Uttar Pradesh (U.P.) or Delhi. It is observed from the records that neither the Discom could produce any documents during the hearing in the CGRF to substantiate that the area lies in U.P. nor the Appellant could produce any relevant authenticated revenue record to prove that the said property lies in Delhi area. Secondly, it is also noted that the issue of demarcation of the area is still pending before the



Hon'ble High Court. Another issue which has cropped up is that as per the Discom the premises of the Appellant is a single dwelling unit with single entry which is already having a domestic connection in the name of the wife of the Appellant and unless the Appellant shows beyond doubt that the dwelling unit has been sub-divided in two portions with separate kitchen as well as separate entry point, the second connection cannot be released on the first floor of the property.

In view of above background, the CGRF has appropriately decided that if the Appellant produces the authenticated revenue records with regards to his property lying in Delhi area and creates separate dwelling unit in accordance with the regulation 10(1)(vi) of the DERC Regulations, 2017, the Discom may release the electricity connection.

During the hearing on 25.03.2021, the Appellant stated that he has already submitted the revenue map/record received from SDM, Karawal Nagar Office duly verified by the area Patwari to the Discom through E-mail wherein Khasra No. 17/5 and 17/6 have been clearly marked proving that his property lies in Delhi area only. He also claimed that he has received this latest map duly verified by the area Patwari on 10.03.2021 from the office of SDM, Karawal Nagar. He further submitted that he had also sent the photographs of his premises in support of separate dwelling unit of first floor, where the connection is required to be released, to the Discom on 25.11.2020 but they have not considered the same and he has not received any reply from them. The Appellant further argued that since he has complied with both the requirements for release of the electricity connection as per the orders of the CGRF, the Discom may be directed to release the connection. The Discom, however, argued that the photographs sent by the Appellant regarding separate dwelling unit are not clear and needs to be verified and the latest revenue document/map submitted by the Appellant also needs to be studied by them. The Discom also argued during the hearing that this appeal is not maintainable since the Appellant is not aggrieved with the orders of the CGRF rather he just wanted to get the order implemented.

7. In the background of the above, it is quite evident that the Discom has been refusing the electricity connection to the Appellant during all these years on one pretext or the other without going into the details of the revenue records. The denial of the electricity connection by the Discom is purely based on the conjectures, since they also do not have any authenticated revenue record to



prove that the area lies in the State of U.P. Therefore, the onus of providing the documents to prove that the area lies in U.P. or Delhi as the case may be lies with both the parties, viz, the Appellant as well as the Discom. The Discom also needs to look into the matter rather seriously and they cannot deny the connection purely on the basis of hearsay, that the area lies in U.P.

In view of the facts and circumstances disclosed and deliberated above, the Appellant is directed to submit all the required/relevant documents related both to the revenue records of the property/premises in support of the area falling within the territory of Delhi and the papers/photographs etc. showing the portion, where the new connection is required to be released, as a separate dwelling unit, to the Discom within two days. Further, in view of the Discom agreeing during the hearing, to have a fresh look at the documents and get the site also inspected for ensuring the separate dwelling unit within next fifteen days, they are also directed to take the necessary action accordingly.

It is noteworthy to mention here that this is not a case of non-redressal of the grievances of the Appellant with regard to the order of the CGRF, instead it is a case of non-implementation of the order of the CGRF which the Appellant wants to be implemented. Therefore, the Appellant is advised that in case he is not satisfied with the action of the Discom or rather if he feels that the Discom has not taken appropriate action even after fulfillment of the requirements/formalities by him as per the orders of the CGRF, he may approach the CGRF again for having a fresh look on the case in the light of the documents submitted by him for the release of the electricity connection. The CGRF may decide the case on merits after taking into consideration the documents/papers as submitted by the Appellant in accordance with the directions issued vide their order dated 19.10.2020.

The appeal is disposed of accordingly.



(S.C.Vashishta)
Electricity Ombudsman
07.04.2021