

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 No.: 011-26144979)

Appeal No. 04/2021

(Against the CGRF-BRPL's order dated 20.11.2020 in CG. No. 131/2019)

IN THE MATTER OF

Shri Mukesh Vats

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Mukesh Vats

Respondent No. 1: Shri S. Bhattacharjee, Sr. Manager, Shri Amitabh Srivastava, Manager and Shri Arav Kapoor, Advocate, on behalf of BRPL

Respondent No.2: Shri Sanjeev Sharma, S.P.A. Holder of Shri Rajeev Sharma alongwith Shri Sumeet, Advocate

Date of Hearing: 15.03.2021

Date of Order: 22.03.2021

ORDER

1. The Appeal No. 04/2021 has been filed by Shri Mukesh Vats, against the order of the Forum (CGRF-BRPL) dated 20.11.2020 passed in C.G. No. 131/2019. The issue concerned in the Appellant's grievance is regarding the disconnection of the two electricity connections in the name of one Shri Rajeev Sharma installed at the address 10/9, Ward No. 1, Khasra No. 1475, Yogmaya Mandir, Mehrauli, New Delhi.



2. In the instant appeal the Appellant has stated that he is the owner of the land bearing address 10/9, Ward No. 1, Khasra No. 1475, Yogmaya Mandir, Mehrauli, New Delhi and no electricity connection has been installed in the said plot. He has further submitted that the house of Shri Rajeev Sharma, Respondent No.-2, is situated at a distance of 200 meters and he has obtained two electricity connections bearing CA No. 102407536 and 102277549 with the same address i.e. 10/9, Ward No. 1, Khasra No. 1475, Yogmaya Mandir, Mehrauli, Delhi. He also stated that his property was assessed by MCD but the portion of land owned by Shri Rajeev Sharma has not been assessed by MCD and there is no municipal house number allotted to him but he has started using the same house number as that of the Appellant for getting the electricity connection and other purposes. Hence, the electricity connections installed at the house/property of Shri Rajeev Sharma have been obtained on the basis of forged and fabricated documents and on the basis of wrong house number. In view of above, the Appellant has pleaded that the two electricity connections installed at the property of Shri Rajeev Sharma are liable to be disconnected.

3. The Appellant had approached the CGRF praying for the disconnections of the two electricity connections of Shri Rajeev Sharma, the Respondent No. - 2. The plea and the prayer of the Appellant, however, were rejected by the CGRF on the basis of the facts that the documents submitted by the Respondent No. - 2, Shri Rajeev Sharma are sufficient to prove the occupancy/ownership of Shri Rajeev Sharma and the plea of the Appellant that his address has been used to obtain electricity connections by him apparently seems incorrect. The CGRF has also concluded that as regards the issue of the Appellant regarding connections having been obtained on the basis of forged and fabricated documents, the CGRF is not competent to examine the same for which the Appellant is at liberty to approach the appropriate court for redressal of his grievance. In view of the above, the CGRF has opined that the existing electricity connections cannot be disconnected in the present facts and circumstance of the case.

4. Aggrieved with the order of the CGRF, the Appellant has preferred this appeal praying that the impugned order dated 20.11.2020 passed by the CGRF be set-aside along with the prayer to pass any other or further order which may deem fit and proper in the facts and circumstances of the present case in the interest of the justice. The Appellant has preferred this appeal mainly on the



ground that the CGRF has not considered the fact that using unauthorizedly the municipal number of other's property amounts to cheating and even then they have allowed Shri Rajeev Sharma, the Respondent No. - 2, to enjoy the electricity connections obtained by fraud on the basis of fictitious house number which is owned by the late father of the Appellant. The Appellant has further pleaded that the CGRF did not even consider that the documents submitted by the Respondent No. - 2, Shri Rajeev Sharma do not bear the house number 10/9 nor Khasra No. 1475 is mentioned therein.

5. The Discom (Respondent No. -1) in its reply submitted that as in this case use of House No. 10/9, has been objected to by the Appellant, Shri Mukesh Vats, a detailed site visit was carried out on 31.07.2020 by them and it was found that the property of Shri Rajeev Sharma having the address 10/9, Khasra No. 1476, Ward No. 1, Yogmaya Mandir, New Delhi, is situated at a distance of 200 meter from the piece of vacant land lying to the north of the first portion and owned by Shri Mukesh Vats which also bears address 10/9, Ward No. 1, Khasra No. 1475. It is submitted that the two are different properties distinctly identifiable. As per Regulation 10 (3)(ix) of DERC Supply Code and Performance Standards, Regulations, 2017, specific guidelines have been laid for release of connections in areas with no specific municipal address. We would like to re-iterate our clarification for release of connection to the residents of such areas in accordance with the guidelines. While we have not been able to trace the original file, this being an old case of 2004, it is pertinent to mention here that we have been able to obtain certain documents submitted by Shri Sanjeev Sharma, brother of Shri Rajeev Sharma through SPA dated 27.07.2020, on the basis of which we feel that Shri Rajeev Sharma is a bonafide resident of the property bearing address - 10/9, Khasra No. 1476, Ward No. 1, Yogmaya Mandir, Mehrauli, New Delhi - 110030 and that there is no doubt as to the owner ship of the property. Moreover, it has also been brought to light during the series of deliberations that the entire property complex of Yogmaya Mandir is owned by the inheritors/legal heirs of Vats clan and there are no clear demarcations of property numbers.

The Discom further contended that in addition to above the following set of documents viz, SDMC Tax Paid Receipt, DJB Receipt, Advance Receipt, Agreement to Sell and purchase, GPA, Will, Affidavit etc. have also been



submitted by Shri Sanjeev Sharma on behalf of Shri Rajeev Sharma, through Special Power of Attorney, in support of his claim to the said property viz; 10/9, Khasra No. 1476, Behind Yogmaya Mandir Bhawan, Yogmaya Mandir Complex, Ward No.-1, Mehrauli, New Delhi - 110 030

In view of above documents submitted by Shri Rajeev Sharma, through Shri Sanjeev Sharma and in the light of the fact that this case pertains to an unauthorized area having unspecified municipal numbers, it is hereby requested that the request of the Appellant for change of address/disconnection of two connections vide CA Nos. 102407536 and 102277549 be dismissed and the long standing case be closed.

6. The Discom further denied that the Appellant is the owner of the land where the two electricity connections have been installed. The Discom further submitted that as per the DERC Supply Code, 2007 and even as per new Regulations of 2017, documents required for ownership or occupancy of the premises were duly provided by Shri Rajeev Sharma, Respondent No. - 2 through his brother Shri Sanjeev Sharma in support of his contentions for which he had submitted copies of certain documents related to the property as explained in Point No. 5, supra, as a proof of ownership and occupancy. It is further submitted by the Discom that after a site visit undertaken by them on 31.07.2020, it was noted that the piece of land having address 10/9, Ward No. 1, Khasra No. 1475, Yogmaya Mandir, Mehrauli, New Delhi, as claimed by the Appellant is a vacant land with no electricity connection. The copies of all documents attached on behalf of Respondent No. - 2, Shri Rajeev Sharma, were enclosed by the Discom along with their written statement which were taken on record.

It was further submitted by the Discom that the property of Shri Rajeev Sharma has two electricity meter connections vide CA Nos. 102407536 and 102277549 which existed since the year 2004 and also bear the address as - 10/9, G/F, Ward No. 1, Yogmaya Mandir, Mehrauli, New Delhi - 110030 and 10/9, G/F, Khasra No. 1476, Ward No. 1, Yogmaya Mandir, New Delhi - 110030 respectively. It is again submitted that during the site inspection carried out on 31.07.2020, it was seen that these addresses are at a distance of 200 meters from the property, allegedly claimed by the Appellant Shri Mukesh Vats, and both



are distinctly identifiable properties. It is further submitted that the CGRF only after hearing the arguments at length, addressed by the Appellant, the Discom and the Respondent No.2 and after carefully examining the documents of ownership submitted by Respondent No. - 2 decided to dismiss the complaint by allowing the connections to be continued. It is also submitted that the CGRF has the jurisdiction to entertain only electricity disputes and is not competent to pass findings on title disputes. As for the allegations made by the Appellant with respect to the connections having been obtained by fraud and that fictitious documents have been provided by Shri Sanjeev Sharma, the Appellant would be well advised to approach appropriate civil/criminal courts. The CGRF is not the competent authority to decide civil/criminal disputes.

As for the Discom is concerned the connections were granted only after the proper documents as per law were provided by the said Shri Rajeev Sharma, which have again been provided by him and attached herewith for the perusal please. It is denied for want of knowledge whether the said Shri Rajeev Sharma has illegally obtained the connection by misusing the municipal house number of the Appellant. The Discom is not competent to decide upon the authenticity of the documents provided by the users, and the Discom has merely issued the said connections as per law. In case of any fraud as alleged, the Appellant is free to approach the relevant authorities and in case the allegations are proved, the Discom shall abide by whatever orders are passed by the Hon'ble Courts in this respect. It is also stated that Shri Rajeev Sharma has submitted certain documents *inter alia* SDMC Tax paid receipts, DJB receipts, copies of GPA and Will which show that Shri Rajeev Sharma is the owner of 10/9, Kh No.1476, Ward No.1, Yogmaya Mandir, Mehrauli, New Delhi - 110030. It is moreover submitted that during the series of inquiries conducted via the CGRF, it was pointed out that the entire property complex of Yogmaya Mandir is owned by the inheritors/legal heirs of Vats clan and that there are no clear demarcations of property numbers.

In view of above submission, the Discom prayed to dismiss the appeal filed by the Appellant and to uphold the order passed by the CGRF.

7. The Respondent No. - 2, Shri Rajeev Sharma, through his brother Shri Sanjeev Sharma had submitted during the hearing in the CGRF that he is the



owner and the occupier of the premises bearing No.10/9, GF, Ward No.1, Yogmaya Mandir, Mehrauli, New Delhi-110030 and he is authorising his brother Shri Sanjeev Sharma, who is his SPA holder, to file the reply and appear before the Forum. It was further submitted by him that he is the owner and the occupier of the said property vide registered GPA dated 14.07.2003 and the said electricity connections were installed in the premises ever since then and upto date dues have already been paid.

It was also submitted by the Respondent No. - 2 that Khasra no.1475, 1476, 1477 is the jointly owned land by Vats inheritants where around 30-40 families live including the complainants, his brothers and their families. The No. 10/1, 10/2, 10/3.... 10/35, are house numbers marked by the residents themselves for their identification. There can be more than one house with the same number having separate electricity connection in the name of different persons. In the similar manner, the water connections are being installed in these houses.

The other premises having No.10/9 claimed by the Appellant is in the name of his father Shri Hari Narayan Vats as per the Appellant and is a vacant plot with joint ownership of the Appellant and his brothers and sister. There is no electric connection installed there. Whereas at 10/9, GF, Ward No.1, Yogmaya Mandir, Mehrauli, New Delhi - 110030, he is paying all the house tax, water bills and electric bill of the above connection. In the above premises about 10-12 families are living since 2004-2005. The complaint has no merit in as much as that there is no outstanding against these connections hence the meters cannot be disconnected. Even otherwise also there are 10-12 families who are residing in the said premises and they cannot be harassed and put to irreparable loss and damages for no fault of theirs. There is no revenue loss to the department also. Hence, it is requested to kindly dismiss the present appeal being false, frivolous and devoid of merits.

8. After hearing both the parties at length and considering the material on record, the basic issue revolves around the fact that the Appellant filed a complaint for disconnection of the two electricity connections of Shri Rajeev Sharma, the Respondent No.2, which have allegedly been installed by the Discom on the basis of forged and fabricated documents and the use of the



municipal number of his property amounts to cheating. He has further alleged that electricity connections have been obtained by fraud on the basis of fictitious house number which is owned by his late father.

In this regards, it is observed that both the connections bearing CA No.102407536 and 102277549 had been released in the year 2004 although it is also noted that the old K. No. files pertaining to the release of the connections in the year 2004 are not available with the Discom, being very old record. But it is noteworthy, that documents required for ownership and occupancy of the premises have now been duly provided by Shri Rajeev Sharma, the Respondent No. - 2, through his brother Shri Sanjeev Sharma, in support of his contentions, for which he had submitted the copies of SDMC Tax Paid Receipt, DJB Receipt, Advance Receipt Agreement to Sell & Purchase, GPA, I. Bond, Agreement to sell and purchase Affidavit, copy of the WILL etc. The above documents are sufficient to fulfill the requirement to release the connections as per DERC Supply Code and Performance Standards Regulations, 2007 and even as per the new DERC (Supply Code and Performance Standards) Regulations of 2017. In view of the above, it can be construed that since both the connections were released in the year 2004, they must have been released after the production of the requisite documents required as per Regulations prevailing at that point of time. The documents submitted now by the Respondent No. - 2 are sufficient to prove the occupancy/ownership of Shri Rajeev Sharma and the plea of the Appellant that his address has been used to obtain the connections by the Respondent No - 2 apparently seems to be incorrect. Although the K. No. files are not available as submitted by the Discom, however, the connections must have been released only after submission of the relevant documents by Shri Rajeev Sharma as all the relevant documents are being provided by him even now. Hence, the request of the Appellant for disconnection of the said connections is not in order and cannot be accepted.

9. The contention of the Appellant that the CGRF has not considered the fact that the documents submitted by the Respondent No. - 2, Shri Rajeev Sharma do not bear the House No. 10/9 is not in order, since the SDMC Tax Receipt, MCD Receipts, Delhi Jal Board (Govt. of NCT of Delhi) Receipts, etc. are bearing the House No. 10/9, in the name of Shri Rajeev Sharma.



As regards the contention of the Appellant regarding the connections having been obtained on the basis of forged and fabricated documents and by using unauthorisedly the municipal number of others' property on the basis of fictitious house number, it is held that this is beyond the purview of this court to carry out the investigation about the same and adjudicate upon the authenticity of the documents which is purely the subject matter of the appropriate civil court. The present appeal has raised such disputed facts as asserted by the Appellant which needs extensive trial and as such the Appellant needs to exhaust proper remedy by way of civil suit and same cannot be done in the summary proceedings in this appeal.

In view of the facts and circumstances viz-a-viz the scrutiny of the available documents and against the background of above/aforesaid analysis, it is held that the existing electricity connections cannot be disconnected in the present facts and circumstances of the case. Therefore, it is prudently decided that there is no substance in the appeal of the Appellant and that there is no need to interfere with the verdict of the CGRF.

The Appeal is disposed of accordingly.


(S.C.Vashishta)
Electricity Ombudsman
22.03.2021