

**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. 09/2023**

(Against CGRF-BRPL's order dated 24.02.2023 passed in C.G. No. 103/2022)

**IN THE MATTER OF**

**Smt. Meenakshi Meena**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

Appellant: Smt. Meenakshi Meena represented by her husband  
Shri Rajesh

Respondent: Shri Manish Kumar, DGM, Shri S Bhattacharjee, Sr. Manager,  
Shri B. Bhaskar, Sr. Manager, Shri Arav Kapoor, Shri Rahul  
Dwivedi and Ms. Komal Gupta, Advocates, on Behalf of BRPL

Date of Hearing: 28.06.2023

Date of Order: 30.06.2023

**ORDER**

1. Appeal No. 09/2023 has been filed by Smt. Meenakshi Meena, through her husband Shri Rajesh Meena, R/o B-5/358, Second Floor, Sector-11, Rohini, Delhi-110085, against the CGRF-BRPL's order as cited above.

2. The instant case is that Smt. Meenakshi Meena, had applied for a non-domestic electricity connection in May, 2021, for her shop situated at No. 3, Ground Floor, Property No. C-1, Khasra No. 221, Phase - II, Chattarpur Village, New Delhi, which had been rejected by the Respondent on the ground that the building is under SDMC (now MCD)'s objection list, height is more than 15 meters, absence of wiring test report and ELCB not installed. When the Appellant came to know that on 28.12.2021, the Respondent had released a number of electricity connections at the same premises, she again applied for connection on 28.06.2022 (vide no. ONSKT2806220504), which was also rejected on the same grounds. Subsequent to the rejection, she filed a complaint before the CGRF-BRPL, with a request to

grant her a new non-domestic electricity connection, as the Respondent has released other electricity connections at the same building.

3. The Respondent stated before CGRF that they carried out a joint site visit of the property, in question, on two occasions, i.e. on 08.07.2022 and 30.12.2022 and submitted a report mentioning therein that numerous meters were in existence in the building. The meters so installed were in violation of laid down rules and show-cause notices have been issued to the occupants accordingly. Therefore, the impugned connection would be released, only after clearance is obtained from the MCD. In this connection, the Respondent also filed a letter dated 18.01.2019 received from Assistant Engineer (Building), South Zone, SDMC, regarding unauthorized construction in property bearing No. C-1, Chattarpur Enclave - II, and asked for disconnection of electricity and water supply. In response to release of twelve connections on the building, the Respondent stated that all these consumers obtained the electricity connections while misrepresenting the address and showing it as C-1A instead of C-1 (which was booked by the MCD), and, hence, show-cause notices.

4. On the basis of the report, the CGRF ordered that in view of booking of the building as unauthorized construction, connection cannot be released at this stage. However, the Respondent was directed to release the connection when the Appellant gets clearance from MCD.

5. Aggrieved from the Forum's order dated 24.02.2023, the Appellant filed this appeal and reiterated the same as before the Forum. In addition, she has also submitted the following grounds and requests for release of the new electricity connection:

- That the Respondent already knew the status of the building, when her request for release of new connection in May, 2021 was rejected. Even after, the Respondent released a number of electricity connections in the same building.
- The Respondent deliberately rejected her application for new connection due to non-fulfilling of their illegal demand.
- That the Respondent failed to show any material in support of the plea taken before the CGRF that the alleged connections were obtained by the consumers by concealing the facts and even did not take any action against them.

6. The Respondent in their written submissions dated 08.05.2023 has reiterated their stand before the CGRF. It was also mentioned that for concealing the correct address, steps for disconnection were under way and that no reply had been received to the show-cause notice dated 28.11.2022 issued to all the twelve beneficiaries. It is also mentioned that unauthorised construction is violation of provisions of Sections 343/344 Delhi Municipal Corporation (DMC) Act and issue of connections to such property would create a bad precedent and violation of the order by the Delhi High Court, in Parivartan Case, 2017.


7 The appeal was admitted and taken up for the hearing on 28.06.2023. During the hearing, the Appellant was represented by her husband, Shri Rajesh (Authorized Representative) and the Respondent was represented by their Authorized Representatives/Counsels. An opportunity was given to both to plead their respective cases at length.

8. During the hearing, the Appellant reasserted the same as mentioned in his appeal and, in addition, submitted that around the vicinity 750 cases were booked by the MCD for unauthorized construction. In this regard, the Appellant submitted a list of 401 cases where FIRs have been filed by the MCD for violation of the DMC Act, but, connections were granted. He also demanded an enquiry against all these connections. A list was taken on record.

9. The Respondent reiterated the same justification as in its written submission mentioned in para 6 Supra. The Respondent also admitted the lacuna on the part of their field officer and conveyed that the field officer has been removed from the duty.

10. There appears no mechanism in place for follow-up by the Discom and co-ordination with the MCD for taking up matters on disconnections. The office of the Ombudsman called for K.No. files of the 12 connections mentioned by the Appellant for examination in detail along with Appellant's file. It is apparent that the documents submitted by the consumers have been forged to modify the address. Resultantly, Discom has been cheated/deceived for release of the connections.


11. The matter has been considered in the light of the material on record and the submissions made by the parties. Since the premises is booked by the MCD for unauthorised construction, no relief can be granted to the Appellant. However, in the light of the glaring acts/omissions in the case, this Court directs as under:

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- (i) CEO of the Discom is directed to take steps for immediate disconnection of the twelve connections in the unauthorized premises

besides removing the installed meters. It has to be done in a time bound manner while coordinating with police authorities. Action taken report be shared with this court within next 30 days positively.

- (ii) From available records it is clear that twelve new connections were granted by the Discom, on the basis of forged/fabricated documents while modifying the address C-1A, Khasra No. 221 instead of C-1, Kasra No. 221. The Legal Cell of Discom is required to examine the matter legally. Discom may get an FIR registered against all the twelve (12) consumers, under relevant provisions of IPC after legal examination, as Discom stands cheated by the consumers by submitting forged/fabricated documents..
- (iii) A vigilance enquiry be ordered to fix the responsibility of the officer(s) who released these twelve (12) connections, during December, 2021, despite the fact that the structure was booked by the MCD in the year 2019. There was a blatant violation of the directions by the Delhi High Court in Parivartan Case, besides violation of Section 343/344 of DMC Act. The enquiry may also include release of connections (list attached) despite FIR by MCD under section 343/344 of DMC Act. The action taken report be shared with this office within 45 days.
- (iii) The field staff apparently carried out a perfunctory inspection, ignoring the unauthorised construction. Responsibility needs to be fixed on the erring officials.
- (iv) A robust mechanism needs to be evolved like a quarterly consultation between officials of Discom and MCD for evaluation of status of buildings for release of connections as well as disconnections, wherever the connections stand issued in violation of law/guidelines.
- (v) It will be open to the Appellant to apply afresh for release of connection, after obtaining 'No Objection Certificate' from the MCD.

The appeal stands disposed off accordingly.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
30.06.2023