

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. 10/2022

(Against the CGRF-BRPL's order dated 08.02.2022 in CG No. 06/2022)

IN THE MATTER OF

Smt. Harmaya

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Raj Kumar, S/o Smt. Harmaya, the Appellant

Respondent No.(1): Shri S. Bhattacharjee, Sr. Manager, Shri Abhishek Karmakar, Sub-Divisional Officer and Shri Deepak Pathak, Advocate, on behalf of BRPL

Respondent No.(2): Shri Ankit alongwith Shri S.S.Sejwal, Advocate

Date of Hearing: 06.06.2022

Date of Order: 07.06.2022

ORDER

1. Appeal No. 10/2022 has been filed by Smt. Harmaya, a senior citizen, through her son Shri Raj Kumar, against the order of the Forum (CGRF-BRPL) dated 08.02.2022 passed in CG No. 06/2022.

2. The issue in the Appellant's grievance is regarding transfer of domestic meter connection bearing CA No. 102229641 installed at House. No. 84, Maidan Garhi, New Delhi - 110068, in her name. She claims that she is the owner and in physical possession of this house. The Appellant submitted that Shri Ankit, S/o Shri Jai Bhagwan, is grandson of her younger brother Late Shri Gopi Chand and who has fraudulently got her signature on the blank papers to withdraw her pension and subsequently used these papers to get the electricity connection changed in his name based on documents made through deceitful means. Now, he has also stopped making payments of the bills for the last few months. When she approached the Respondent regarding the transfer of the connection, they



informed that 'no objection' was given by her (Smt. Harmaya) and a thumb impression is on the 'NOC'. Thereafter they transferred the said electricity connection in the name of Shri Ankit. In this regard she filed complaints with the Police Station as well as the Respondent's office also. When the Respondent did not take any action, she filed the complaint before the CGRF for redressal of her grievance.

3. The CGRF did not accept her plea and rejected on the basis that the Forum is not an appropriate court to resolve the property dispute. The Appellant claimed that the CGRF passed the order based on an incorrect assessment of the complaint/documents and prayed that (a) to set-aside the CGRF's order (b) to direct the Respondent to restore the name of the Appellant in their record as registered consumer and cancel the name of Shri Ankit (c) any other order and/or directions which may deem fit and proper.

4. The Respondent's position is the same as the one they took before the CGRF that this is a property dispute and the complainant also admitted that she had filed Report (FIR) in the concerned Police Station. This matter is related to forgery and property dispute and should be heard in an appropriate civil court only.

5. The above appeal was admitted and the date of hearing was fixed for 06.06.2022. During the hearing, both the parties were present. Shri Ankit was also impleaded in the appeal as he was an important link in the entire episode. Shri Ankit (Respondent No. 2) was also present along with his Counsel.

6. On the date of hearing, opportunity was given to the parties to this appeal and they affirmed their afore-mentioned respective positions. The Appellant contended that she is in physical possession of the property and is absolute owner on the basis of Registered Sale Deed and she very emphatically conveyed that she had never sold this property to Ankit on whose name the connection has been changed. She further conveyed that she has not put any thumb impression on the Agreement to sell or GPA and the documents are forged and made with deceitful means. The Respondent mentioned their position that they have acted according to the present DERC Guidelines & Regulations. They further claimed that they have no option but to accept the application and do the needful and they have no means to check the veracity of the documents.

7. Shri Ankit, who has been impleaded in the present appeal, was also given an opportunity to present his case. He had nothing to say apart from the fact that he had given an application with the required papers and the Respondent changed the name as per the extant regulations. He did not have any logical or valid explanation for getting the name changed after a lapse of six years.



8. After hearing the arguments and counter arguments, the following issues emerged:

- Whether the Discom/Respondent is right in changing the name on the basis of documents submitted by Ankit in the light of extant DERC Regulations.
- Whether the Appellant has any loci-standi in the entire case as she is no longer as Registered Consumer after the change of name.
- Whether the order of CGRF suffers from serious infirmities and is liable to be set aside.

9. I have heard the arguments, counter arguments, and have gone through the appeal, written statement of the Respondent, and other documents very minutely. I am of the considered opinion that the order of CGRF suffers from infirmities and the CGRF has not applied its mind in adjudicating the case. The order is required to be set aside. It is a fact the officers of the Respondent are not competent to decide about the veracity of the documents submitted but they can always see the documents thoroughly for once. Even a cursory examination of the documents submitted by Ankit shows that:

- The application is found incomplete.
- The GPA lacks certain details.
- 'Agreement to Sell' does not specify the amount.

And the above lapses in the documents make the application invalid and is not required to be entertained. It has been seen that the Respondent in very many cases have not accepted the incomplete applications and no action was taken. In this case, they not only accepted incomplete application, changed the name but also found defending their wrong action in this Forum. Respondent may also refer to a communication sent by Ombudsman dated 07.06.2018 where the above issue has been emphatically highlighted. In view of the above, the order of CGRF is set aside.

10. Now, the issue of making the Appellant incompetent to appeal as she is not the Registered Consumer as the change in name according to the Respondent has already been effected. In view of the observation above with regard to the documents submitted by Shri Ankit, the application is not complete and is supported by invalid documents. Hence, this Forum is of the view that the application is invalid ab-initio and hence the change of name is also invalid and is considered not effected. Therefore, the connection stands in the name of the Appellant as she is the registered consumer and the Appellant in this case.



11 Now the first issue i.e., change of name by the Respondent.


As discussed in the foregoing paragraphs the Respondent has erred in undertaking the exercise and name has been changed on the basis of incomplete and invalid documents. One look at the application filed by Shri Ankit is good enough to raise doubts as the application is sans vital details such as father's name, address, date, etc.. On the contrary, the Respondent displayed exemplary haste in acceding to the request of name change. A call on the mobile number, which is mentioned on electricity bills of Smt. Harmaya would have saved this infructuous litigation.

GPA otherwise has been adjudicated to be not a valid document for sale/transfer of land by the Supreme Court in their Judgement in 2011. Strangely, the Respondent also has the temerity to defend their irregular/illegal action. The action on the part of the Respondents are not only irregular/illegal but it also smacks of bias for reasons best known to them.

12. In view of the above, the order of CGRF is set aside and the following needs to be undertaken on priority by the Respondent:

- i. The change of name be affected within next 10 days in favour of the Appellant, Smt. Harmaya. The compliance be sent to this office also.
- ii. Respondent would also investigate the role and responsibility of the Officers, who have undertaken this irregular/illegal action. Administrative action be taken against them as per rules. This also needs to be reported to this office in next 30 days.
- iii. Respondent are also required to compensate the Appellant to the tune of Rs.25,000/- for the harassment which was caused to her by the action of the Officers of Respondent. The compensation should act as a reminder to the officers of the Respondent that this kind of treatment to the consumer and that too a senior citizen cannot be tolerated.

The Appeal is disposed of accordingly.


(Pardeep Kumar Bhardwaj)
Electricity Ombudsman
07.06.2022