

Office of Electricity Ombudsman

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)

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Appeal No. F. ELECT/Ombudsman/2007/176

Appeal against Order dated 07.03.2007 passed by CGRF – BRPL in Case No.: CG/38/2007 (K.No. 2610 H424 0270)

In the matter of:

1. Smt. Sarabjeet Kaur - Appellants
2. Shri Gurmeet Singh

Versus

1. M/s BSES Rajdhani Power Ltd - Respondent
2. Shri Inderjeet Singh

Present:-

Appellants: Smt. Sarabjeet Kaur and her husband Shri Gurmeet Singh alongwith their advocate Shri Anuj Gupta

Respondent: Shri A.K. Tyagi, Business Manager
Shri Inderjeet Singh (Complainant)

Date of Hearing: 27.09.2007

Date of Order : 27.09.2007

ORDER NO. OMBUDSMAN/2007/176

Appellants Smt. Sarabjeet Kaur w/o Shri Gurmeet Singh, and Shri Gurmeet Singh S/o Shri Bhagat Singh, have filed this appeal against CGRF order dated 08.05.2007 in case no. CG/106 & 100/2007, titled as Shri Inderjeet Singh Vs. BRPL, stating that the CGRF order was passed without hearing them and without considering their application dated 19.05.2007 addressed to CGRF for impleading them as a party to the dispute raised by Shri Inderjeet Singh. Appellants have prayed for setting aside the order of the CGRF which has been passed arbitrarily, ordering installation of a new electricity connection in favour of Shri Inderjeet Singh on the first floor of the premises No. N-2, A&B Block, Jangppura Extension, Delhi, which in fact is owned by the Appellants, and without giving them an opportunity of being heard.

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After scrutiny of the appeal, CGRF's order and the reply submitted by the respondent, the case was fixed for hearing on 27.09.2007.

On 27.09.2007, the appellants Smt. Sarabjeet Kaur and her husband Shri Gurmeet Singh along with Advocate Shri Anuj Gupta were present. Shri Inderjeet Singh, complainant before CGRF, was present in person. On behalf of respondent, Business Manager Shri A. K. Tyagi attended.

During the hearing the appellants stated that they are the lawful owners of the property No. N-2 A&B Block, Jangpura, Extension, and produced legal documents in this regard. They further stated that they are already having an electric connection No. 25400E29001 (New K.No.) for the first floor and were regularly paying the bills. Copies of the bills were produced. It is their contention that CGRF has erroneously ordered for installation of another connection in the name of Shri Inderjeet Singh, who is not the lawful occupant of the premises, though he is unauthorizedly residing in some portion of the first floor. The CGRF erred in not impleading them as a party or giving them an opportunity of being heard. The CGRF relied only on the facts submitted by Shri Inderjeet Singh, who is an unauthorized occupant and who concealed material facts before the CGRF. The appellant Shri Gurmeet Singh, stated that Shri Inderjeet Singh who is his wife's brother was allowed to live in a portion of the first floor, out of love and affection.

Shri Inderjeet Singh stated that he had been residing at the first floor of N-2, A&B Block, Jangpura Extension. He could not however produce any proof of lawful ownership or lawful occupancy of the premises, though produced proof of his residential address. He also stated that three civil suits were pending in the courts on the issue of ownership and were yet to be decided.

The Business Manager, BRPL was asked as to the basis on which the new electric connection was sanctioned for the first floor in favour of Shri Inderjeet Singh, prior to CGRF's order. The Business Manager stated that there was an error and when the issue was brought to his notice, he stopped the energization of the connection. He stated that he had brought these facts before the CGRF during the hearing, and had said that Shri Inderjeet Singh has no valid documents to prove that he is the lawful owner or lawful occupant, and thus has no locus-standi to a new connection on the first floor of the premises. The electric connection was energized only in compliance of the order given by the CGRF.

After hearing the parties, the following directions are given:

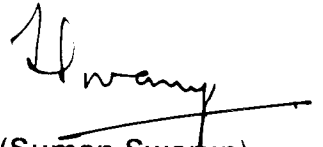
- 1) The new connection given on the first floor of property No. N-2, A&B Block, Jangpura Extension on CGRF's order be disconnected forthwith. CGRF while issuing its order for installation of a new connection has not applied its mind or considered material facts and followed the DERC Regulations. The legal owner of the property was also not impleaded as a party or given an opportunity of being heard. In the interest of natural justice this was necessary.

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- 2) No new connection be given on the first floor of the premises, till the ownership issue is finally settled in favour of Shri Inderjeet Singh, who at present has no documents to prove lawful ownership, tenancy or legal occupation.
- 3) The existing old connection on the first floor should remain energized to maintain supply on the first floor.
- 4) The respondent BRPL to take cognizance of the illegal supply of electricity / power to unauthorized floors in the building. The Respondent should bring the fact of existence of unauthorized floors to the notice of Commissioner MCD, and take action for misuse, if any, of existing electricity connections in the premises.

The CGRF order is accordingly set aside.

Dated 27.9.07


(Suman Swarup)
Ombudsman