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Office of Electricity Ombudsman

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

B-53, Pashimi Marg, Vasant Vihar, New Delhi- 110057

(Phone No. 32506011, Fax No. 26141205)

Appeal No. F.ELECT/Ombudsman/2007/185

Appeal against Order dated 10.05.2007 passed by CGRF – BRPL in Case No.CG/99/2007

In the matter of:

Shri Rup Basant - **Appellant**

Versus

M/s BSES Rajdhani Power Ltd. - **Respondent**

Present :

Appellant : Shri Rup Basant attended in person

Respondent : Shri S.K. Kansal, Business Manager,
Shri R.S. Yadav, Section Officer

Date of Hearing : 24.10.2007

Date of Order : 24.10.2007

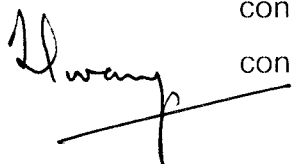
ORDER NO. OMBUDSMAN/2007/185

1. The Appellant has filed this appeal against the orders of the CGRF dated 10.05.07 in case no. CG/99/07 as he could not get the relief sought. The Appellant has prayed that he had sold the terrace rights above first floor of his property no. A-247, Shivalik, Malviya Nagar to M/s Lipul Construction (P) Ltd. who was given an electricity connection for the first floor instead of the second floor, on the basis of wrong address/ documents. As such, the connection should be disconnected and compensation @ Rs.500/- per month be given to him by BRPL for their wrong action which has caused harassment to him.

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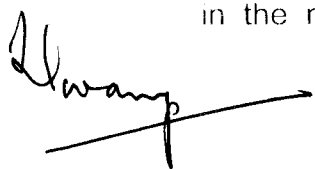
2. The grievance of the Appellant is that:-

- i) The Appellant is the owner of plot no. A-247, Shivalik, Malviya Nagar, New Delhi and had earlier constructed the basement, ground floor and first floor and had obtained different electric connections for each floor. The Appellant sold the terrace rights over the first floor to M/s Lipul Construction (P) Ltd. vide sale agreement dated 06.09.06. M/s Lipul Construction (P) Ltd. constructed the second floor premises over the terrace of first floor and applied for a new electric connection but mentioned the address as A-247, first floor, whereas an electric connection was already existing for first floor in the name of the Appellant. The Respondent did not verify the ownership documents.
- ii) The BRPL officials inspected the site but failed to detect this misrepresentation by M/s Lipul Constructions. The Respondent sanctioned a connection in the name of M/s Lipul Construction (P) Ltd. for the first floor although they were not the owner of the first floor, and an earlier connection already existed for the first floor in the name of the Appellant.
- iii) While installing the meter for the connection in the name of M/s Lipul Construction (P) Ltd. on the first floor the BRPL officials again failed to observe that an electric connection already existed for the first floor. The Appellant objected to installation of another meter in the name of M/s Lipul Constructions (P) Ltd. on the first floor, but in the absence of Appellant, BRPL officials installed the meter for the connection sanctioned for the first floor in the name of M/s Lipul Construction (P) Ltd.
- iv) M/s Lipul Construction (P) Ltd. later sold the second floor premises constructed by them to Smt. Sanjana Chopra who got the connection which was earlier sanctioned in the name of M/s Lipul




Construction (P) Ltd, transferred in her name, again on the basis of incomplete, and incorrect documents.

3. After scrutiny of the appeal and submissions made by both parties the case was fixed for hearing on 24.10.07. On 24.10.07 Appellant Shri Rup Basant was present in person. On behalf of Respondent Shri S. K. Kansal Business Manager and Shri R. S. Yadav Section Officer were present. Both the parties were heard.
4. The Appellant stated during the hearing that he had sold the terrace rights of his property No. A-247, Shivalik, Malviya Nagar to M/s Lipul Construction Pvt. Ltd. The sale deed stipulated that the buyer will apply for a new electricity connection for the additions and alterations to be carried out on the second floor. A copy of the sale deed was produced by Appellant and relevant clause was seen. The Appellant stated that M/s Lipul Constructions (Pvt.) Ltd., wrongly and with malafide intention, applied for a new connection for the first floor, although they were not the owners of the premises. The Respondent accepted the documents giving incorrect and incomplete information and without verifying the ownership. A new connection was wrongly sanctioned, despite his protests, and the meter installed in the basement which is not part of the designated common area.
5. This connection was subsequently transferred in the name of Smt. Sanjana Chopra, buyer of the second floor. It is the Appellant's contention that since the sanction of a connection for M/s Lipul Construction Pvt. Ltd. for the first floor was ab initio incorrect, its subsequent transfer is also wrong. The Respondent admitted that a new connection had been wrongly sanctioned for the first floor and that the connection had been transferred subsequently in the name of the second floor buyer Smt. Sanjana Chopra. The Respondent also confirmed that the meter for the second floor was installed in the basement, which was owned by the Appellant.
6. The original K. No. files of the two connections sanctioned for the first floor in the name of Sh. Rup Basant, M/s Lipul Construction (P) Ltd., and



transfer of connection bearing K. No. 2520 0C11 0032 in the name of Smt. Sanjana Chopra were examined. It is clear that sanction of the connection in the name of M/s Lipul Construction (P) Ltd. for the first floor of the Appellant's property, and transfer of this connection to the second floor purchaser Smt. Sanjana Chopra subsequently has been wrongly processed by the Respondent. The documents are not only incomplete, but incorrect information has been given, and sanction has been accorded without observing the complete formalities.

7. The CGRF has rightly directed that a vigilance inquiry be carried out. It is directed that this should be completed by 30th November 2007. The connection sanctioned to M/s Lipul Construction (P) Ltd. for the first floor and wrongly transferred to Smt. Sanjana Chopra be disconnected. The Respondent informs that it is possible to give a new connection for second floor as per their commercial policy. The grant of a new connection be accordingly processed for the second floor purchaser after completing all formalities. The meter be installed in a designated common area, and not in the area owned exclusively by the Appellant. There is no direction regarding grant of compensation to the Appellant.


(Suman Swarup)
Ombudsman