

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/2007/201

Appeal against Order dated 12.07.2007 passed by CGRF – BRPL in Case No. CG/143/2007.

In the matter of:

Shri Prasanna Mohan Jha - **Appellant**

Versus

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

Present :

Appellant : Shri Prasanna Mohan Jha, Appellant attended in person

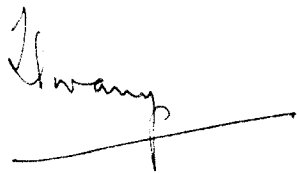
Respondent : Shri Asit Kumar Tyagi, Business Manager,

Date of Hearing : 02.11.2007, 14.11.2007

Date of Order : 20.11.2007

ORDER NO. OMBUDSMAN/2007/201

1. The Appellant has filed this appeal against the order of CGRF-BRPL dated 12.7.07 in case no. CG/143/2007 with the prayer that the order of the CGRF be set aside and the Respondent be directed to provide an electricity connection in the premises no. 131-C/1A, Yusuf Sarai, New Delhi and pay a sum of Rs.50,000/- as damages.
2. The background of the case is that:-
 - i) The Appellant applied for an electric connection and deposited Rs.2,600/- on 31.7.03 and Rs.1460/- on 7.11.03 for grant of an electric connection in premises no. 131-C/1A, Yusuf Sarai, New Delhi.



- ii) Regarding proof of residence, the Appellant submitted a copy of house tax receipt dated 8.5.07, ration card dated 31.7.06, election card dated 16.8.02 and pass port dated 25.2.05.
 - iii) While processing the connection, the Respondent observed that the property/premises was under dispute and a legal case was pending in the civil court regarding the aforesaid property.
 - iv) Before the CGRF, Respondent informed that the connection was not granted for want of proof of legal ownership or legal occupancy, the Appellant could not produce any valid document for the same.
3. Based on the above facts, the CGRF has held that a connection cannot be granted to him since he has not submitted any valid proof of being a bonafide occupant of the property.
4. After scrutiny of the appeal, records of the CGRF and further written submissions of both the parties, the case was fixed for hearing on 2.11.07.

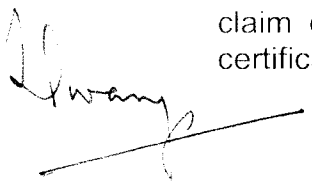
On 2.11.07 Appellant Sh. Prasanna Mohan Jha was present in person and on behalf of Respondent, Business Manager Sh. A. K. Tyagi was present.

Both parties were heard. The Respondent produced a letter of the Mandir Samiti objecting to the ownership and grant of a connection to the Appellant. After hearing the arguments of both parties, Respondent was directed to carryout a site inspection and to verify the ownership documents for the premises no. 131-C/1A, Yusuf Sarai, New Delhi available with the Appellant and the Mandir Samiti before the next date of hearing, and to submit a detailed report on whether a connection can be granted for the premises as per DERC Regulations. Appellant was also asked to produce valid ownership documents. The case was fixed for hearing on 14.11.07.

On 14.11.07 the Appellant was present in person and on behalf of Respondent Sh. A. K. Tyagi, Business Manager was present.

The Respondent produced a report dt.12.11.07 after site inspection which was taken on record and a copy of this report was also given to the Appellant. As per the report of the Respondent:

- a) Appellant could not produce any document so as to prove his ownership of the premises no. 131-C/1A, Yusuf Sarai, New Delhi.
- b) Sh. Raj Kumar Gupta and Sh. P.P. Sharma representing the ADH Kali Shiv Dham Samiti also could not produce any document regarding the claim of ownership of the premises and submitted only a copy of the certificate of registration of the society issued by the Registrar of



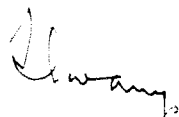
Societies, Government of NCT of Delhi. The Samiti claims that a suit is pending in the court of Sh. Raj Kumar Chauhan, ADJ, Delhi. The ownership/possession of the property is yet to be decided upon by the Hon'ble Court.

- c) Respondent has also requested the Deputy Commissioner of MCD to confirm the ownership of property no. 131-C/1A, Yusuf Sarai, New Delhi after verification of MCD records but so far no reply has been received.

The Appellant states that he has no other documents establishing ownership of the premises no. 131-C/1A, Yusuf Sarai, New Delhi, except one document which is a property tax notice from MCD regarding payment of property tax.

Since no valid proof regarding ownership or legal occupation is produced by the Appellant the CGRF has rightly held that an electric connection cannot be granted to the Appellant. The appeal is therefore dismissed.

Dated 20.11.07


(Suman Swarup)
Ombudsman
20.11.07