

**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.23/2024**

(Against the CGRF-TPDDL's order dated 02.05.2024 in C.G. No.47/2024)

**IN THE MATTER OF**

**Shri Kishan Kumar, Vice-President of Bhagwan Maharishi Valmiki  
Mandir Sewa Ashram Samiti**

**Vs.**

**Tata Power Delhi Distribution Limited**

Present:

Appellant: Shri Kishan Kumar alongwith his cousin, Shri Om Parkash

Respondent: Shri Neeraj Kumar, AGM and Shri Ajay Joshi, AGM (Legal) on  
behalf of TPDDL

Date of Hearing: 20.11.2024

Date of Order: 21.11.2024

**ORDER**

1. Appeal No. 23/2024 dated 07.08.2024 has been filed by Shri Kishan Kumar, Vice President of Bhagwan Maharishi Valmiki Mandir Sewa Ashram Samiti, having registered office at 159, Village Malikpur, Near Tagore Park, Delhi - 110009, against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF-TPDDL)'s order dated 02.05.2024 in Complaint No. 47/2024.

2. The background of the case is that the Appellant applied for an electricity connection for the property located at Khasra No. 600/588, Ground Floor, Village Malikpur, Near Raj Babu T.B. Hospital, New Delhi – 110009. This request was denied by the Discom on the basis that the property is situated on an encroached land. Additionally, the Discom referred to the directives from the Ombudsman vide order dated 11.05.2023 (specifically Point No. 17) in appeal No.03/2023 and a letter from M/s Rajan Babu Institute for Pulmonary Medicine & Tuberculosis (RBIPMT) dated 18.07.2023, in compliance with which the electricity connection (CA No.



60025601968) at the subject property had been disconnected. Against this, the Appellant filed a complaint before the CGRF-TPDDL, with a request that the Discom be instructed to grant the connection solely for the purpose of a place of worship, rather than for any personal or family use. The Appellant further submitted that the Discom had disconnected the electricity connection (CA No. 60025601968) installed at the property claiming it was obtained on the basis of forged documents.

The Appellant filed another submission via e-mail dated 16.07.2024 mentioning therein that despite the matter being pending before the Ombudsman's office, a new meter had been installed by the Discom in front of the Mandir. Vide further email communication dated 18.11.2024, the Appellant has stated that Bhagwan Maharishi Valmiki Mandir Sewa Ashram was registered during December 2018 and working since then. A connection applied for by the Samiti during August 2023 was not granted on account of demand for NOC from land owning agency. However, a new connection was installed by the TPDDL during August 2024 without NOC from MCD. Appellant further alleged that the connection was released in connivance with Lalji Pathak. He has prayed for transfer of connection in the name of Lalji Pathak to his name as Vice-President of Mandir Sewa Ashram Samiti.

3. The Discom's stand before the Forum was that earlier Shri Om Prakash, General Secretary of the same Mandir Samiti, had filed an appeal dated 21.02.2023 against the order passed by the CGRF-TPDDL on 16.01.2023 in CG No. 109/2022, before the Ombudsman. This case pertained to the disconnection of the electricity supply to the CA No. 60025601968 registered in the name of Shri Ganesh Pathak and installed in the same Mandir premises. The disconnection was executed following the Ombudsman's directions vide order dated 11.05.2023, in Appeal No. 3/2023. Furthermore, on the direction of the Ombudsman, a letter dated 26.06.2023, was sent to the Director-cum-Medical Superintendent of RBIPMT-MVID to ascertain whether the Balmiki Mandir was situated on an encroached land or had been constructed unauthorizedly. In response, the CMO, Admin of RBIPMT Hospital, vide their letter dated 18.07.2023, apprised that the Mandir is an encroachment on government land and was built unlawfully. As a result, the electricity supply to the connection bearing CA No. xxxxx1968 was disconnected on 05.08.2023. The Discom also placed all relevant correspondence/ documents before the Forum.

4. The Forum in its order dated 02.05.2024 opined that the complainant must obtain a 'NOC' from the concerned land-owning agency. Without this certificate a connection cannot be granted for the premises that have been unauthorizedly constructed on encroached land. Consequently, the request of the complainant was not allowed under the aforesaid circumstances.



5. Aggrieved by the order dated 02.05.2024 passed by the CGRF-TPDDL, the Appellant has preferred this appeal stating that the connection be granted on the basis of MCD (erstwhile NDMC)'s letter dated 11.01.2022 supported with layout plan received from RBIPMT. The Appellant has prayed for grant of a electricity connection at the subject Mandir premises.

6. The Discom vide its response dated 03.09.2024 has reiterated their submissions as before the Forum vide their letter dated 07.08.2024. Additionally, the Discom submitted that the Forum, in its order dated 02.05.2024, had decided the case on the merits, considering the facts and circumstances that the Mandir is a construction on an encroached land. For the release of a new connection, the Appellant must obtain the necessary permissions/NOC from the land-owning agency.

Moreover, the Appellant could not produce proof of ownership or occupancy of the premises, as required by Regulation 10(3) of DERC (Supply Code & Performance Standards) Regulations, 2017, hence, not entitled for new electricity connection. An application dated 10.09.2024 submitted by the Appellant mentioned about installation of a meter and connection without name and without the knowledge of the Mandir Samiti.

7. The appeal was admitted and scheduled for hearing on 16.10.2024. However, on the request of the Appellant, the matter was adjourned twice for hearing on 16.10.2024 and 06.11.2024. During the hearing on 20.11.2024, the Appellant was present along with his cousin and the Respondent was represented by its authorized representatives. An opportunity was given to both the parties to plead their respective cases at length. Relevant questions were also asked by the Ombudsman as well as the Advisors.

8. During the hearing, the Authorized Representative of the Appellant, made his submissions stating that a new connection applied for was rejected by the Discom on the ground that NOC from MCD was required. He also asserted that one connection, applied by Lalji Pathak on 06.08.2024, was released on 24.08.2024, without submission of any NOC, during pendency of appeal before the Ombudsman. A request was also made by the Appellant for a copy of the papers of the Trust which was rejected. He was advised to approach the Office of the Registrar of the Societies for the purpose.

9. In rebuttal, the Advocate appearing for the Respondent stated that the alleged connection stands disconnected on 24.10.2024 and the problem arose due to non-flagging of the information for which effective steps were being taken. However, the Ombudsman directed the Discom to submit a report on effective disconnection by 21.11.2024. An e-mail communication dated 20.11.2024 from the Discom has



apprised that service cable of the meter has also been removed thereby leading to effective disconnection. However, meter could not be removed due to resistance by the residents of the premises. Attempt would be made to complete the action in the coming days.

10. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

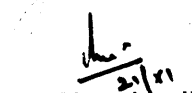
- (i) The categorical response by CMO, RBIPMT Hospital dated 17.07.2023, states that the temple is an encroachment of Government land, the CGRF has rightly rejected the application by Shri Kishan Kumar, Vice President, Bhagwan Mahavir Valmiki Mandir Sewa Ashram Samiti. NOC will be required from the hospital for release of the applied connection.
- (ii) No material to the contrary has been adduced by the Appellant to prove that the Mandir land is not an encroachment upon the government land. The decision of Delhi High Court in Parivartan Case in 2017 debars release of any connection on unauthorized constructions.
- (iii) Regarding release of connection vide Notification No. 2038398052 on 06.08.2024 and installation of meter, corrective action has been initiated by the Discom for disconnection and removal of the meter on account of encroachment by the Mandir on Government Land.

11. In the light of the above, the appeal is dismissed as devoid of merit. CEO of the Discom may order a Vigilance Enquiry into the circumstances under which the connection to Lalji Pathak was released, and take action against officials responsible for release of said connection during August 2024 without completing all commercial formalities (no NOC and ownership/occupation proof etc.) A compliance report on removal of the meter may also be sent in due course.

12. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier.

The parties are hereby informed and cautioned that the Order of Settlement of Grievance raised in the appeal is, as per Regulation 65 of DERC's Notification dated 24.06.2024, final and binding on the parties.

The case is disposed off accordingly.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
21.11.2024