

OFFICE OF 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. 26/2022

(Against the CGRF-BRPL's order dated 30.06.2022 in CG No. 17/2022)

IN THE MATTER OF

Smt. Kavita Grover

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Smt. Kavita Grover along with Shri Yogesh Grover, Spouse and Shri Biswambar Nayak, Advocate

Respondent: Shri S. Bhattacharjee, Sr. Manager, Shri B. Bhaskar, Sr. Manager, Shri Arav Kapoor and Shri Mridul Vats, Advocates, on behalf of BRPL

Date of Hearing: 19.10.2022 & 24.11.2022

Date of Order: 25.11.2022

ORDER

1. Appeal No. 26/2022 has been filed by Smt. Kavita Grover, R/o L-48D, Third Floor, DDA Janta Flats, Saket, New Delhi - 110017, through her Counsel Shri Biswambar Nayak, against the order of the CGRF-BRPL dated 30.06.2022 passed in Complaint No. 17/2022.

2. The background of the appeal is that the Appellant had applied for a new domestic electricity connection vide Request No. 8003876294 dated 13.05.2019 at her above mentioned premises but the same was rejected by the Respondent vide their letter dated 03.06.2019 on the ground "as per site report disputed property". Again, in response to her query, the Respondent informed her vide their letter No. DGM (B)/SKT/2019/D-77 dated 19.06.2019 stating that "a litigation No. W.P.(C) 2873/2017 titled Smt. Kavita Grover Vs. South Delhi Municipal Corporation (SDMC) & Ors. is pending against the applied premises before the High Court of Delhi and new connection request can be processed only after finalization of the litigation. Not satisfied

with the reply of the Respondent, Smt. Kavita Grover approached the CGRF for releasing of a new connection.

3. The CGRF's in its order stated that the consumer herself admitted before the High Court of Delhi that her premises had been booked for unauthorized construction by the SDMC alongwith other 252 flats in L-Block, the area where the new connection is sought. The complainant further stated that the Respondent have released electricity connections in several other flats, which have also been booked by SDMC for unauthorized constructions. In this regard, the CGRF stated that the Respondent cannot adopt pick and choose methodology/policy and release/deny connection to the similarly placed people and direct them to hold the enquiry into the matter and submit an Action Taken Report in this regard.

The CGRF did not agree with her request and observed that non-compliance of provisions of CPC by the Respondent does not entitle complainant for connection on the premises which has already been booked by the SDMC for unauthorized construction. In view of booking of the premises by the SDMC, no relief can be given to the complainant at this stage and directed the Respondent to release the connection as per law.

4. Aggrieved by the CGRF-BRPL's order dated 30.06.2022, the Appellant filed this appeal on the following grounds:

- The Respondent failed to justify the reason for denying connection.
- The Respondent failed to disclose how the property is disputed and source of their false/unsubstantiated information.
- The Respondent adopted pick and choose policy while giving new connections.
- The CGRF has erred in its order and failed to discharge its lawful duties and give justice to her.
- The CGRF has failed to see that the Discom did not answer to the directions dated 22.03.2022 and 24.05.2022 and also failed to take any action against the Respondent for contempt of court.
- The CGRF has not given any time limit to the Discom for their inquiry report.
- The CGRF directed the Respondent that the Appellant may be given a new connection after getting clearance from the SDMC, but failed to ask them whether they have ever taken clearance certificate issued by the SDMC for other new connection applicants in the L-Block. If they had taken such

clearance certificate from others too, then it is OK, otherwise, if not, the Respondent also gives her a new connection.

And the Appellant prayed that:

- (i) To set-aside the order dated 30.06.2022 passed by the CGRF and direct the Respondent to release a new electricity connection without further delay.
- (ii) Pass any other &/or further order in her favour in the interest of justice.
- (iii) To allow compensation and litigation expenses, as she has been harassed by the Respondent.

5. The case was taken up for hearing on 19.10.2022. It was adjourned as the Counsel of the Appellant could not attend. The case was heard on 24.11.2022. During the hearing both the parties were present along with their Counsels. An opportunity was given to both the parties to plead their case at length.

6. During the hearing, the Appellant argued that she has been discriminated against. While others in L-Block, despite similarly placed, have been given connections (booked by SDMC for unauthorized connections), she has been denied. The Appellant further contended that even the enquiry report as directed by CGRF has not been submitted and there is no Action Taken Report on the enquiry report. Appellant pleaded that she be provided the required connection as access to electricity is her right.

7. In rebuttal, the Respondent contended that the High Court of Delhi, passed an order dated 14.01.2020 in the case W.P.(C) 2873/2017 titled Kavita Grover Vs SDMC & Ors. (Respondent No.1 & Respondent 2) mentioning as under:

"the petitioner (the Appellant in this Court) herself is guilty of unauthorized construction i.e. taking steps of the same nature which she accuses Respondent No. 2 of. On this ground itself I am not inclined to further deal with this petition.

xxxxx

Respondent No.1 (SDMC) will continue to take steps regarding the properties of the petitioner (the Appellant in this Court) and Respondent No. 2, as per law."

8. I have gone through the appeal, written statement of the Respondent and documents very minutely. I have also heard the arguments of the both the parties. Relevant questions were asked and queries raised by the Ombudsman, Advisor (Engineering) and Advisor (Law) to get more information for clarity.

9. On the basis of material available on record and also the contentions made during argument, counter arguments, it is amply clear that the property of the Appellant is booked by SDMC (list of 252 properties in L-Block). In view of the above, the Appellant cannot be given the new connection by the Respondent. This also gets supported by the judgement of High Court of Delhi in the case of Parivartan Foundation Vs South Delhi Municipal Corpn. & Ors. in which it has been specifically ordered that no connection be given to the building having unauthorized construction. The order further term unauthorized construction as a menace and has asked the Discoms/Delhi Jal Board to disconnect the electricity and water connection of such buildings.

10. The Respondent has also very extensively quoted the above case law in their written statement and also undertaken an enquiry (ordered by CGRF) for identification of such properties in 'L- Block' where connections have been given despite these being in the list of SDMC. The Respondent has identified such properties and initiated action for disconnection, while writing to MCD to intimate the date of demolition so that they can disconnect the electricity. This Court is of considered opinion that the action is against the spirit of the above judgement. It has already ordered the Discoms to disconnect the supply in case the building is declared unauthorized or has been booked by MCD.

11 In view of the above deliberations, this court is not inclined to interfere in the order of CGRF so far as release of connection to the Appellant is concerned. Respondent would release connection only after the Appellant submits no objection from SDMC (now MCD). Respondent is further directed to take necessary action as per the order of the High Court and disconnect the supply to the buildings identified during their enquiry and also appeared in the MCD (the then SDMC) objection list (252 such flats having unauthorized constructions) while following appropriate procedure.

The appeal is disposed off accordingly.

(P. K. Bhardwaj)
Electricity Ombudsman
25.11.2022