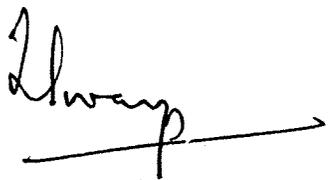


- i) The Appellant has not used power from the "as is where is basis connection" for which he applied on 17.02.1998. He has all along been pleading for energization of the connection.
- ii) The CGRF has ordered BRPL to recover the energy charges for the past ten years on a connection, which has never been used.
- iii) Without any evidence, the Respondent officials have stated before the CGRF that the plot for which the connection was applied falls under the Sainik Farms and the connection has been denied to him due to this.
- iv) The Appellant has several years back submitted an affidavit that this plot falls in village Khanpur and not in Sainik Farms. The Appellant has prayed that since he has not used the 'as is where is connection' for even one day for lighting even one bulb and no bill has been raised for ten years, he should not be forced to pay any charges. Now instead the BRPL officials be directed to pay a penalty as per Section 43 (3) of the Electricity Act, 2003. He has also prayed that the BRPL officials be directed to install the connection immediately.

2. The background of the case as per records submitted by both the parties is as under:

- i) In 1971, Col.A.P. Sharma VrC., a officer of the Indian Army, was allotted plot number 3 Sainik Farms, Consisting of Khasra



Nos. 169, 168/2 and 168/3 in village Khanpur by the DSCHBS Ltd., a society under the aegis of the Ministry of Defence.

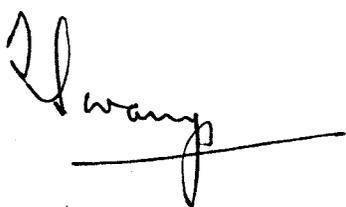
- ii) Plot No. 168/1 in village Khanpur, belonging to Shri Makhan Singh and Shri Balbir Singh and others, was not purchased or allotted by DSCHBS Ltd. but was sold in 1995 to Mrs. Kunti Sharma w/o Col. A. P. Sharma VrC. The plot bearing Khasra No. 168/1 is not a part of the original Sainik Farms.
- iii) In 1997 after his parents had passed away, Shri Narendra P Sharma Appellant inherited Khasra No. 168/1 in Village Khanpur. In Feb. 1998 Shri Narendra Sharma was prohibited by the DVB officials from giving electricity connection from his own meter at Sainik Farms to the temporary structure (where his farm workers were living) at plot number 168/1. This is because plot 168/1 was not a part of Sainik Farms and therefore electricity connections could not be given to it.
- iv) As per the advice of the concerned DVB officials, on 17.02.1998 Narendra Sharma applied for a separate connection for plot 168/1 Village Khanpur and deposited Rs.8,500/-, under the "As is where is" scheme of the DVB. In spite of several personal visits no connection was ever granted to the Appellant. No action was taken also on the complaint dated 10.04.2006 to Customer Care Office (NO.25101004060107). Similarly, no action was taken on subsequent complaints.
- v) On the advice of the BRPL officials, Narendra Sharma once again applied for a new connection for plot 168/1 on



16.08.2007. On 11.09.2007 the complainant went to the Division Officer to enquire about the status of the application. No action was taken by BRPL for several months. For almost ten years no separate electricity connection was given to the Appellant for plot 168/1 Village Khanpur, and no explanation was given to him as to why this was not done.

- vi) The Appellant filed a complaint before the CGRF on 14.01.2008. The BRPL officials gave two reasons to the Forum for not granting a connection to him. One, that bills for two cases of direct theft of electricity bearing no. AGENR17052007/8 were pending against his premises. When the Appellant asked for details about these alleged theft bills, the Commercial officer, Division Khanpur admitted before the Forum that this allegation of theft bill was erroneous and it pertained to some other premises. Secondly, the Respondent stated that plot bearing Khasra No. 168/1, village Khanpur was part of Sainik Farms where electric connections are not permissible.
- vii) The CGRF in its order recorded that the Appellant should obtain a certificate, duly signed by the SDM (Revenue) of the area, confirming the fact that the premises falls in the jurisdiction of Khanpur village and is not part of the Sainik Farms area.

CGRF further observed that the Appellant had applied for grant of temporary connection on 17.02.1998 under the policy of 'as is where is basis.' The circumstances under which the bills were not



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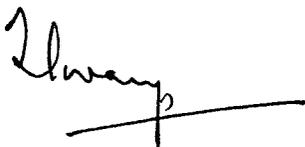
raised against the temporary connection for about 10 years were inexplicable at this stage. The CGRF in its order held that the Appellant should liquidate the bill towards the balance development charges and energy charges at the specified flat rate w.e.f. 01.06.1997 under the policy of "as is where is basis".

viii) The new connection be granted in favour of the Appellant, after he submits a certificate duly signed by the SDM (Revenue), to the effect that plot no. 168/1 Khanpur falls in the jurisdiction of the village Khanpur and this is not linked with Sainik Farms in any way. If he fails to do so, Appellant can also produce the sanctioned building plan for plot No. 168/1 Khanpur Village from the M.C.D. of Delhi. For abnormal delay in raising the bills towards the balance development charges and flat rate energy charges w.e.f. 01.06.1997, the Forum directed that a token compensation of Rs.5,000/- be paid to the Appellant by crediting the amount to his temporary connection.

Not satisfied with the orders of the CGRF, the Appellant has filed this appeal.

3. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 12.06.2008.

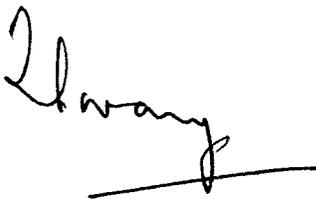
On 12.06.2008, the Appellant was present in person along with his son Shri Siddharth Sharma. The Respondent was present through Shri S. K. Bhattacharya, Sr. Manager, Shri Pradeep Gupta, Legal Retainer and Shri Manish Singh, Commercial Officer.



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Both the parties were heard at length. The Appellant stated that he had never been granted a connection nor had consumed any electricity since his application dated 17.02.1998, as such he is not liable to pay any dues. The Respondent stated that the Appellant has filed an affidavit to the effect that he was already using the electricity. The Respondent was directed to produce the original K. No. file alongwith the application and the affidavit etc submitted by the Appellant in February 1998. The Respondent was requested to inform about the policy for load enhancement in the original Sainik Farms and to also produce the orders in this regard. The case was fixed for further hearing on 19.06.2008.

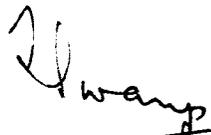
4. On 19.06.2008, the Appellant was present in person. On behalf of the Respondent Shri Manish Singh was present. The Respondent stated that the original K. No. file of the "as is where is" connection and the affidavit of the Appellant are not traceable. However, from the ledger it is confirmed that a sum of Rs.8,500/- was deposited by the Appellant on 17.02.1998. The Appellant informed that earlier he had a temporary shed for residence of his mali / care taker on plot No. 168/1. Presently, there is no structure on the plot and he has never used any electricity.
5. Based on the submissions and documents produced by the parties, it is observed that no development work was done and no connection operated or used by the Appellant. Hence the amount



of Rs.8,500/- deposited on 17.02.1998 be refunded to the Appellant.

6. The Appellant has prayed for grant of a separate electricity connection for Khasra No. 168/1, which in fact forms part of his farm, though purchased separately from land owners. Since, there is no separate constructed premises on Khasra No. 168/1, as such no separate domestic connection can be allowed to the Appellant. The Appellant, during hearing, requested that the load of his existing domestic connection for the Farm plot inherited from his father may be enhanced. The Respondent stated that it would be possible to enhance the existing domestic load as per their policy, after the commercial formalities required are completed.
7. In view of the above, the Appellant's prayer for grant of a new connection for Khasra No. 168/1 cannot be agreed to. The order of the CGRF for recovery of balance Development Charges and flat rate energy charges w.e.f. 17.02.1998, as per the policy of "As is where is" is set aside, since no connection was granted or used under the scheme, and at present no structure exists on this Khasra. The amount of Rs.8500/- deposited by the Appellant be refunded to him by cheque within a period of 10 days of this order, alongwith compensation of Rs.2000/-, instead of Rs.5000/- awarded by the CGRF.

30th June 2008


(SUMAN SWARUP)
OMBUDSMAN