

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 – cum – Fax No.011- 41009285)

Appeal No.27/2019

(Against the CGRF-TPDDL's order dated 23.08.2019 in CG No. 92/2019)

IN THE MATTER OF

SHRI JITENDER KUMAR RANA

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Jitender Kumar Rana along with Shri K.B.Rao, Advocate.

Respondent (1): Shri Gautam Jai Prakash, Sr. Manager (Legal) along with
Shri Anurag Kumar, Sr. Executive, on behalf of the TPDDL.

Respondent (2): Shri Surender Rana along with Shri Deepak Rana.

Dates of Hearing: 26.11.2019

Date of Order: 28.11.2019

ORDER

1. The appeal No. 27/2019 has been filed by Shri Jitender Kumar Rana through his advocate Shri K.B.Rao against the order of the CGRF-TPDDL dated 23.08.2019 passed in CG No. 92/2019. The appeal arises from the Forum's order declining to adjudicate on his complaint on the ground that the Forum lacks jurisdiction since this being a property dispute and the matter is pending before the Hon'ble High Court of Delhi.

2. According to his plaint, the Appellant had applied for a new non-domestic (ND) electricity connection at house in Khasra No. 9/12/9, Ground Floor, 41 Foota Road, Village Khera Kalan, Delhi, for a load of 1 KW, which was rejected by the Discom (Respondent No. 1) on the grounds that there is a dispute at the site where the new electricity connection has been applied for and further a court case is already in place with the co-owner of the site. The Forum, which he had approached for redressal, did not accept his appeal rejecting it on the same basis as the Discom, that the proof of ownership had not been clearly established and no proper demarcation of the property has been carried out and further it is a case of property dispute and since the case is already pending in the Hon'ble High Court of Delhi, the Forum cannot deal with the matter, hence, it is barred by jurisdiction. The brief facts of the case of the Appellant is



that after he had applied for a new ND electricity connection, the Discom issued a demand note against the same which was duly paid by him, but during installation of the connection, the father of the Appellant namely Shri Surender Singh (Respondent No. 2) objected to the same with a mala-fide intention in order to harass him and on the basis of which the Discom suspended the case for installation of new connection.

The Appellant further reiterated that the Forum has failed to take into account the fact that he is the co-owner of the land and his name has also been mentioned in the Khasra/Khatoni/Fard since the year 1999 and in view of the same he has the same right upon the property as his father. Also, as per the Appellant one long term temporary connection bearing CA No. 60018511596 stood already installed in the name of his grandfather long ago and after the death of the grandfather, the name of the registered consumer (RC) was changed to that of his father viz; Shri Surender Singh (Respondent No. 2), after issue of NOC from the other co-owners of the property which includes the Appellant. The Appellant also submitted that he has applied for a new electricity connection in his portion of the property which is under his possession and the property dispute case which is pending before the Hon'ble High Court of Delhi has no stay or any status quo order and since he further undertakes to surrender the connection in case any adverse order is passed by the court with regard to the property in question, so he should not be deprived off from getting the new connection on the ground of objection taken by his father.

In view of the aforesaid the Appellant finally prayed to set-aside the order of the Forum and direct the Discom to release the new electricity connection for non-domestic use in his name in the interest of justice.

3. During the hearing, the father of the Appellant, Shri Surender Singh, who has also been included as Respondent No. 2 in the case objected to release of the connection in the name of his son viz; the Appellant, Shri Jitender Kumar Rana. Shri Surender Singh further submitted that he is the owner of whole agricultural land for which the case is pending in the Hon'ble High Court of Delhi and he had already disowned his four sons, their wives and children in December, 2007, which also includes the Appellant. He also reiterated that the Appellant intends to take the electricity connection on his land only with an intention to grab the land in question and in view of the fact that since the case is already pending in the Hon'ble High Court of Delhi, the illegal connection in the name of Shri Jitender Kumar Rana may not be released. In addition to above, numbers of FIRs have also been lodged against the Appellant for damaging his property and harassing him mentally, physically and financially.

In view of above, the Respondent No. 2 prayed to up-hold the order of the Forum and directs the Discom not to release the new connection in the name of the Appellant.

4. The Discom's position is the same as the one they have taken before the Forum, namely that the Appellant had applied for a new connection on 12.04.2019 in favour of Shri Jitender Kumar Rana at the house bearing Khasra No. 9/12/9, Ground Floor, 41- Foota Raod, Village Khera Kalan, Delhi, for 1 KW non-domestic electricity supply. On receipt of his request, the Discom immediately initiated the process of



release of connection and after completion of commercial formalities, they issued the demand note on 01.05.2019 and the same was paid by the Appellant on 03.05.2019. However, during the process of releasing of the said connection, the co-owner of the applied premises Shri Surender Singh, S/o Shri Khazan Singh raised the dispute over release of said new connection and submitted the written objection wherein he also submitted the property documents for establishing his co-ownership in the applied premises. Thus, in view of aforesaid property dispute between appellant and co-owner Shri Surender Singh (Respondent No. 2) over the applied premises, the Discom suspended the new connection request of the Appellant. It was further reiterated by them that in view of foregoing, it is relevant to submit here that ascertaining of legality and propriety of the claims as asserted by the Appellant and co-owner Shri Surender Singh (Respondent No. 2) in the present case is out of their ambit as the same is civil in nature and the jurisdiction for the same lies with Civil Court / other Courts having competent jurisdiction in this regard.

The Discom further submitted that the Appellant has also admitted that the premises at which he is asking for a new connection is not free from dispute and his admission of being joint owner of the premises is sufficient to establish the rights of his father, Shri Surender Singh (Respondent No. 2), on the property and as such, without ruling out the objection from his father and any other such co-owners, the Appellant cannot claim to have a lawful occupation of the property in question. The Discom further contended that the Appellant has also admitted that he is party to a case before the Hon'ble High Court of Delhi involving the title of the property in question and from the facts of the case, it has come out quite clearly that the Appellant does not enjoy a clear title to the premises and as such, the issue of grant of new electricity connection can only be decided only after the Appellant proves himself to be the lawful occupant of the premises.

In view of above, the Discom prayed that the present appeal is liable to be dismissed and decided in their favour in view of the fact that the matter pertains to the internal property dispute between the Appellant and co-owner Shri Surender Singh, S/o Shri Khazan Singh.

5. After having considered the material on record and hearing all the parties, the basic issue which emerges is that the Discom in the first instance rightly initiated the process for release of the new connection on the basis of the documents as submitted by the Appellant and of course after completion of the required commercial formalities. But during the process of release of the connection the co-owner of the applied premises, Shri Surender Singh (Respondent No. 2), raised an objection that the connection cannot be released without his consent as he is a co-owner of the property and the said premises is a disputed one, for which a case is already pending in the Hon'ble High Court of Delhi. He also submitted the property documents for establishing his co-ownership in the applied premises. On the basis of above, the Discom's action in suspending and stalling of release of connection cannot be questioned at this stage as the Appellant has also admitted that the premises in question is under dispute and his father Shri Surender Singh (Respondent No. 2) is a joint owner of the property/premises which establishes the right of his father viz, Respondent No. 2 also on the property. Since the Appellant has further admitted that he is also a party to the case before the Hon'ble High Court of Delhi involving the



ownership/title of the property in question, the Discom's contention that the connection cannot be released until the Appellant has a clear title to the premises is in order and is as per regulations.

As far as the establishment of ownership, rights and titles of the properties are concerned, same are the issues which lie outside the ambit of the Discom, the CGRF and the Ombudsman. Thus, from the above, it is inferred that both the parties i.e. the Appellant and the Respondent No. 2 (Shri Surender Singh), are involved in a legal case about the property in question which is pending before the Hon'ble High Court of Delhi. Accordingly, it is concluded that since the case of the Appellant and Respondent No. 2, has been pending in the Hon'ble High Court of Delhi, the matter is subjudice, therefore, no substantive case is made out for any interference with the verdict of CGRF. The Appellant may take up his grievance with the Appropriate Authority of the concerned Discom for redressal after the final outcome/order of the Court.

The appeal stands disposed off accordingly.


(S.C. Vashishta)
Electricity Ombudsman
28.11.2019