

Office of Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057
(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2009/306

Appeal against Order dated 12.12.2008 passed by CGRF-NDPL in CG.No. 1906/10/08/KPM.

In the matter of:

Shri Vipin Miglani

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri Hansraj Miglani, (authorised representative) and
Shri Y.P. Bhasin, Advocate, attended on behalf of
Appellant

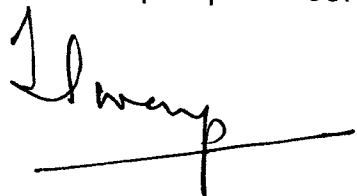
Respondent Shri Sumit Sachdeva, Manager (CMG)
Shri B.L. Gupta, Manager (CMG)
Shri M.S. Saini, Comml. Manager and
Shri Vivek, Assistant Manager (Legal) attended on behalf
of the NDPL

Date of Hearing : 12.03.2009, 08.04.2009, 28.04.2009,
13.05.2009

Date of Order : 29.05.2009

ORDER NO. OMBUDSMAN/2009/306

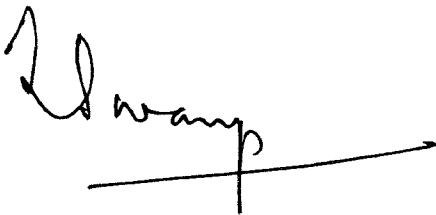
1. The Appellant Sh. **Vipin Miglani** has filed this appeal against the orders dated 12.12.2008 passed by the CGRF-NDPL in the case CG No. **1906/10/08/KPM** disposing off the complaint filed by him for grant of a new pre-paid connection with the direction that a new connection can be



energized only after various matters under adjudication by the Hon'ble High Court and other forums are settled, or alternatively, a 'No Objection Certificate' from all other co-owners is furnished by the applicant.

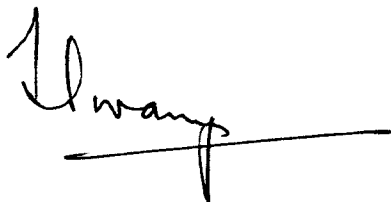
2. On the basis of submissions made by both the parties the brief facts of the case are as under:-

- i) The Appellant applied for a new pre-paid connection vide request no. 0809243487 and completed all the formalities for installation of a pre-paid connection and meter with the Respondent.
- ii) The Respondent's representative visited the premises for installation of the meter on 08.09.2008 which was objected to by one Sh. Bhim Sen Khurana stating that he is one of the co-owners of the property no. 31, Central Market, Community Centre, Ashok Vihar and the matter is pending with CDRF, Shalimar Bagh. Sh. Bhim Sen Khurana handed over the copies of Perpetual Lease issued by the DDA dated 02.09.1972 in favour of six persons, including the Appellant.
- iii) The Respondent asked the Appellant vide letter dated 11.09.2008 for furnishing a No Objection Certificate from other co-owners to the property. The Respondent informed that in the absence of the NOC from all the co-owners of the property it is not possible to proceed further for installation of the meter.
- iv) Thereafter, the Appellant filed a complaint dated 15.10.2008 before the CGRF-NDPL. The Appellant stated before the CGRF that he is the owner and in actual possession of the entire property built on plot no. 31, and a number of connections already stand energized in his



name. The Appellant submitted that asking for an NOC from all the co-owners is not justified.

- v) The Respondent stated before the CGRF that Smt. Lajwanti, mother of Sh. Bhim Sen Khurana has filed a suit for partition and declaration which is pending before the Hon'ble High Court titled as Smt. Lajwanti Vs. Hansraj Miglani suit no. CS (OS) 862/06. The Respondent further stated that the fact that there were number of co-owners of the property had come to their knowledge when one of the co-owners resisted the installation of the meter. Therefore, asking for an NOC from other co-owners is justified.
- vi) The CGRF asked the Appellant to furnish acceptable documentary evidence to prove that he is the sole owner of the specific portion of the building for which the new connection has been applied for. The Appellant could not place on record any such document before the CGRF.
- vii) The CGRF concluded that the Appellant has not been able to establish that he is the sole-owner of the said part of the property, and the Perpetual Lease also indicates that there are other co-owners of the property in addition to the complainant. The matter regarding the ownership of the property is still under adjudication of the Hon'ble High Court, Delhi.
- viii) The Forum passed orders that the new connection can be energized only after the issue of ownership of the property is decided by the Hon'ble High Court or NOC from other co-owners is furnished by the Appellant.

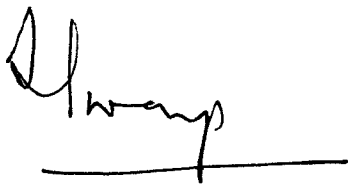


Not satisfied with the above order of the CGRF, the Appellant has filed this appeal.

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 12.03.2009.

On 12.03.2009, Sh. Hansraj Miglani, authorized representative and the father of the Appellant, and Sh. Y.P. Bhasin, Advocate were present. The Respondent was present through Sh. B. L. Gupta AM-CMG and Sh. Vivek-AM (Legal).

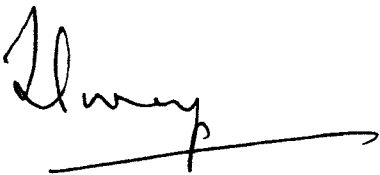
Both parties were heard. The Appellant re-iterated the submissions already made in his appeal. He further stated that earlier 27 number connections were sanctioned in his father's name exclusively as a registered consumer at 31, Community Centre, Ashok Vihar. Out of 27 number connections, 13 have been disconnected long ago due to non-payment of dues. The electricity was consumed by the actual users/tenants against payment to the alleged co-owners (1) Sh. Bhim Sen Khurana, (2) Sh. Kishan Lal Khurana and (3) Sh. Gulshan Rai Khurana. Eight number other connections are being misused by Sh. Bhim Sen Khurana, Sh. Kishan Lal Khurana, Sh. Gulshan Rai Khurana and others without any authority or 'no objection' from the registered consumer. The remaining six number connections are available with Sh. Hansraj Miglani, registered consumer for his tenants. The copy of Perpetual Lease document filed indicates that the lease was signed/executed by six persons i.e. Sh. Hansraj Miglani,



Smt. Urmil Miglani, Sh. Vipin Miglani (minor) along with Sh. Kishan Lal Khurana, Sh. Bhim Sen Khurana and Sh. Gulshan Rai Khurana (minor).

The Respondent could not satisfactorily explain how such a large number of connections were given in the name of Sh. Hansraj Miglani and whether any NOC from other co-owners was taken at the time of sanction of such connections. The Respondent informed that these connections were sanctioned during the DESU/DVB period as at that time no objection was raised by any of the co-owners. Since objection is now being raised by the co-owners in the present case, therefore, an NOC is being asked for.

4. Sh. Hansraj Miglani stated that a number of plots / shops have been constructed on plot no. 31, Community Centre, Ashok Vihar. The approved plan and completion for the construction had not been obtained. The Respondent was asked to identify the K. Nos. which were feeding the premises earlier for which the Appellant had now applied for a new connection along with a status report regarding whether these are alive or disconnected, and details of the pending dues, if any. The Respondent was also asked to carry out a site visit and to give a detailed statement of the number and status of the connections and their earlier and present status. The Appellant was asked to file details of the cases pending before various courts and orders, if any, regarding ownership / orders of High Court etc. The case was fixed for further hearing on 08.04.2009.

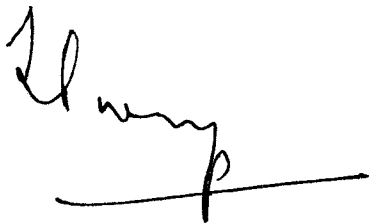


5. On 08.04.2009, Sh. Hansraj Miglani and Sh. Y.P. Bhasin, Advocate were present on behalf of the Appellant. The Respondent was present through Sh. B. L. Gupta, AM-CMG, M.S. Saini, Comml.-Manager and Sh. Vivek, Manager (Legal).

The Appellant did not file any document regarding decided / pending court cases. Another opportunity was given to file these by 15.04.2009. It was decided that the site visit be carried out by the Respondent on 15.04.2009 in the presence of the Appellant to confirm whether any supply/connection was given earlier to the part of the premises for which a new connection has been applied for. The Respondent was asked to produce the K. No. files also of the connection applied for.

6. On 28.04.2009, Sh. Hansraj Miglani was present on behalf of the Appellant. The Respondent was present through SH. Vivek, Manager (Legal), Sh. B.L. Gupta , AM (CMG) and Sh. M. S. Saini, Comml. Manager.

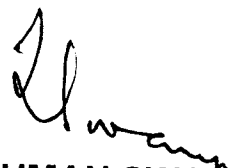
Both parties argued their case at length. The Appellant stated that his father had filed another appeal before the Ombudsman against the CGRF's order dated 23.03.2009 in case CG No. 1944/01/09/KPM in respect of the three connections bearing K. No. 32200738725, 32200738731 and 32200735043 in which he has prayed that these three connections registered in his name were wrongly transferred in the name of Sh. Bhim Sen Khurana the co-owner, be restored in his name and his requests for pre-paid meters be also accepted.



The Appellant during hearing stated that he wants to withdraw this appeal filed on 16.01.2009 regarding sanction of a new pre-paid connection, in case the appeal against the CGRF's order in CG.No. 1944/01/09/KPM is considered on merit, and the three existing connections illegally transferred are restored in his father/mother's name.

7. During the hearing on 13.05.2009 in the appeal against the CGRF's order dated 23.03.2009 in the case CG No. 1944/01/09/KPM regarding re-transfer of connection K. Nos. 32200738725, 32200738731 and 32200735043 in the name of Appellant, it was informed by the Respondent that K. No. 32200738731 stands already transferred in the name of Smt. Urmil Miglani. It was also decided that the other two connections vide K. Nos. 32200738725 and 32200735043 be retransferred in the name of the original registered consumer.
8. **Since the Appellant had requested for withdrawal of this appeal on condition that the earlier three connections are restored in his father or mother's name, this appeal against the CGRF- Order dated 12.12.2008 in the case CG No. 1906/10/08/KPM for grant of a new connection, is dismissed as withdrawn.**

29th May 2009.


(SUMAN SWARUP)
OMBUDSMAN