

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/2009/310

Appeal against Order dated 16.01.2009 passed by CGRF–BYPL in case CG. No.229/12/08.

In the matter of:

Smt. Yashoda Devi - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant Shri V.K. Sharma and
Shri Des Raj Singh, Member R.W.A. attended on behalf of the Appellant

Respondent Shri A.K. Mittal, DGM, Karwal Nagar
Shri Pramod Diwakar, AVP,
Shri Sanjay Garg, Business Manager, Karwal Nagar
Shri P.K. Sharma, Business Manager, ONM,
Shri Shabir Hussain, Assistant Manager, (Power Supply)
Shri Rajeev Ranjan, A.M. Legal
Ms. Sapna Rathore, Assistant Manager, CGRF and
Shri P. Mathur, Legal Representative, attended on behalf of the BYPL

Dates of Hearing: 21.05.2009, 10.06.2009, 01.07.2009

Date of Order : 03.07.2009

ORDER NO. OMBUDSMAN/2009/310

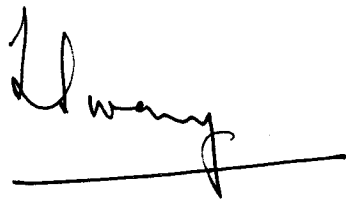
1. The Appellant has filed this appeal against the order dated 16.01.2009 passed by the CGRF-BYPL in complaint no. 229/12/08,



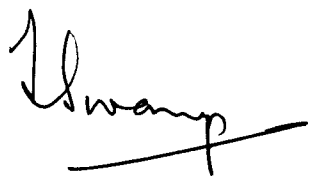
stating that the order is totally illegal, arbitrary and against the law and facts and has prayed to set aside the order and to allow the application for a new electricity connection, in the interest of justice.

2. The background of the case as per contents of the appeal, the CGRF's order and the reply filed by both the parties is as under:

- (a) The Appellant applied for a new electricity connection on 03.11.2008 for a load of 1 kw at her premises no. E-32 B, Khasra No. 24/4 Kardam Farm Johripur Ext., Delhi.
- (b) The Appellant's premises was visited on 07.11.2008 by BYPL officials and it was found that the premises for which the connection is required, falls in the territory of the state of U.P. and in view of this, the application for a new connection was rejected.
- (c) The Appellant attached the electoral card alongwith the application for a new connection as proof of the address (no ownership proof of the premises was produced).
- (d) The GM Commercial wrote a letter dated 17.12.2008 to the Electoral Registration Officer, Assembly Constituency Nand Nagri, for verification of the electoral I-Card issued to the Appellant, and a few other residents. No reply was however received.



- (e) The Appellant filed a complaint before the CGRF seeking release of a new electricity connection for her premises.
- (f) It was stated before the CGRF that the licensee had already energized 65 numbers connections in the same locality and had now rejected 7 number applications for new connections although their premises are located in the middle of the area where connections had already been energized.
- (g) It was also stated that the Respondent Company had already electrified the area and installed poles.
- (h) As per the CGRF's directions a joint committee visited the premises of the Appellant and reported that the area where the connections are required by the Appellant is still un-electrified, but a number of electric connections have been provided from the HVDS system poles installed adjacent to the houses no. A-38, A-41, B-32 and B-48 for this area. About 14 to 15 electric connections have been provided on the basis of occupancy established by the electoral card, in the recent past. The joint team was of the opinion that a fair investigation by the licensee in the matter as to how the connections were provided earlier without verification from the revenue records of the location of the land area being in Delhi, be carried out. The team recorded that the Appellant and other applicants are not to be provided new connections until and unless verification of the land records for confirming the ownership of the premises by the



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applicants is done. The CGRF in its order directed the BYPL to process the case of the Appellant for release of a connection as per prevailing instructions of the DERC, and also if the complainant comes forward and submits the revenue record / land record of the revenue authority of Govt. of NCT, Delhi or any other statutory document, to confirm that the area falls in the territorial jurisdiction of the NCT of Delhi.

Not satisfied with the orders of CGRF-BYPL, 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 21.05.2009.

On 21.05.2009, the Appellant was present through Shri V. K. Sharma of the Resident's Welfare Association and Shri Des Raj Singh, Member of the Resident's Welfare Association.. On behalf of the Respondent Shri Rajeev Ranjan, A.M. (Legal), Shri Shabir Hussain, A.M. Power Supply, Shri A. K. Mittal, DGM, Karawal Nagar, and Ms. Sapna Rathore, A.M. CGRF were present.

Both the parties were heard. The Appellant stated that a number of connections have been given in the colony between 2004 – 2009. The Appellant has a voter ID card as proof of occupancy. Her premises in the colony is amongst the left out plots.

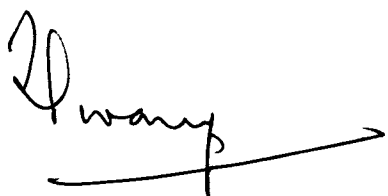


The Respondent stated that due to an error some connections have been given in the U.P. area of the colony, which falls partly in U.P. and partly in Delhi. The Appellant was directed to file the map of the colony showing the state boundary duly verified by the SDM or other revenue authority. The Respondent was directed to file the original papers including map for electrification of the colony, showing the state boundary. The case was fixed for further hearing on 10.06.2009.

4. On 10.06.2009, the Appellant was present in person alongwith Shri V. K. Sharma of R.W.A.. On behalf of the Respondent Shri P. Mahur, Legal Representative, Ms. Sapna Rathore, Shri A. K. Mittal and Shri P. K. Sharma were present.

Both the parties argued their case. The Appellant filed a map of the colony without authentication of the boundary by any revenue authority. The Respondent filed a site report with a map, again without showing the Delhi – UP boundary. The Respondent was directed to prove whether the premises falls in the state of U.P. as per the revenue records as they had rejected the application on this ground. The case was fixed for further hearing on 01.07.2009.

5. On 01.07.2009, the Appellant was present through Shri V. K. Sharma of R.W.A., Authorized Representative. The Respondent was present through Shri Pramod Diwakar, AVP, Shri Sanjay Garg, B.M. – Karawal Nagar, Shri P. K. Sharma, B.M. – ONM – Karawal

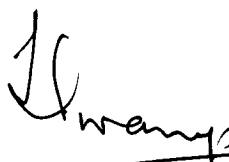


Nagar, Shri Rajeev Ranjan, A.M. (Legal) and Ms. Sapna Rathore, A.M. – CGRF.

In continuation of their arguments, the Respondent filed a report dated 23.06.2009 duly signed by the Sub-Divisional Magistrate (SDM), Seelampur sub-division. As per the report, the premises of the Appellant i.e. E-32, Kardam Farm, Johripur Extension does not fall in the village Jeevanpur / Johripur of Delhi and the said property is located in the state of U.P.

In view of the above report of the SDM, the Appellant is not entitled to get an electricity connection from the Respondent BYPL. The appeal is accordingly dismissed.

3rd July 2009.


(SUMAN SWARUP)
OMBUDSMAN