

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/2009/316

Appeal against Order dated 27.02.2009 passed by CGRF-BYPL in case CG. No.218/12/08.

In the matter of:

Shri Kanwar Inderjit Singh - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant The Appellant was present in person alongwith Shri Paramjeet Singh his brother in-law

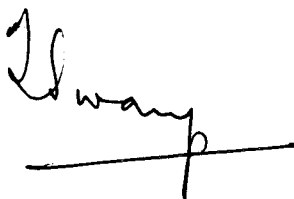
Respondent Shri Animesh, Business Manager, Patel Nagar
Shri Saheel Jalal, Assistant Manager, Patel Nagar
Ms. Sapna Rathore, Assistant Manager, CGRF and
Shri Rajeev Ranjan, A.M. Legal attended on behalf of the BYPL
Shri Amit Dhingra and Smt. Preeti Dhingra were present on behalf of Smt. Veena Dhingra

Dates of Hearing: 15.05.2009, 28.05.2009, 16.06.2009

Date of Order : 24.06.2009

ORDER NO. OMBUDSMAN/2009/316

1. The Appellant Shri Kanwar Inderjit Singh has filed this appeal against the orders dated 27.02.2009 passed by CGRF-BYPL in the complaint no. 218/12/08, whereby it was ordered to maintain the

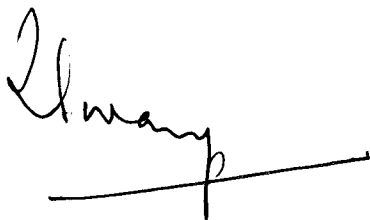


'status quo' in respect of the name of the consumer i.e. Smt. Veena Dhingra for connection no. 1141 4543 0430, till the matter of ownership of the premises is decided by the Hon'ble High Court. The Appellant has prayed that the electricity connection be restored in his name.

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

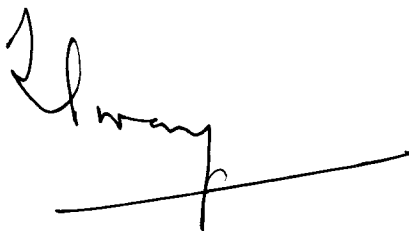
(i) An electricity connection vide K. No. 1141 4543 0430 was existing in shop no. 20/41, Old Market, West Patel Nagar, New Delhi – 110 008, in the name of the Appellant, Shri Kanwar Inderjit Singh. The Respondent in 2002, transferred the said electricity connection in the name of Smt. Veena Dhingra, residing in the premises. In 2005, the Appellant made a written request to the Respondent that the meter should remain in his name as he was the joint owner, but the request remained unaddressed.

(ii) The Appellant filed a complaint before the CGRF – BYPL dated 01.12.2008 and enclosed a copy of the August 1996 electricity bill indicating that the registered consumer was the Appellant. He also produced copy of a Rent Agreement dated 17.01.1976 executed between Shri Kewal Prakash Dhingra, the husband of Smt. Veena Dhingra, and Smt. Prakash Kaur (mother of the Appellant), for renting out shop no. 41, Block no. 20, Old Market,



West Patel Nagar, New Delhi – 8. The tenancy was for a limited period of 11 months.

- (iii) A letter dated 23.08.1989 of the Assistant Settlement Commissioner of the Ministry of Urban Development, Land & Development Office, Nirman Bhawan filed by the Appellant indicates that consequent upon the death of Shri Sampuran Singh, husband of Smt. Prakash Kaur, the names of the three sons of Shri Sampuran Singh viz Shri Mohan Singh (half share), Shri Gurbachan Inderjit Singh and Shri Kanwar Inderjit Singh (half share jointly), were substituted in the lease hold rights of the property. It is also mentioned in the last para that subdivision of the property will not be allowed at any stage and Shri Kanwar Inderjit Singh and Shri Gurbachan Inderjit Singh cannot sell the property. The property will be inherited by their children. The said property was acquired by Shri Sampuran Singh (deceased) in pursuance of Lease Deed dated 06.08.1962, registered on 26.10.1962 and commencing from 30.07.1957. Shri Sampuran Singh died leaving behind a will dated 29.10.1958, whereby half share of the shop was inherited by Shri Mohan Singh, and the remaining half portion was given in equal share to Shri Kanwar Inderjit Singh and Shri Gurbachan Singh. Shri Sampuran Singh also made a provision that during the life time of his wife Smt. Prakash Kaur, she will be entitled to the earnings from the said shop. The shop was later on under the tenancy of Shri Kewal Prakash Dhingra (since deceased).



- (iv) Shri Gurbachan Inderjit Singh sold his 1/4th share in favour of Shri Kewal Prakash Dhingra in June 1981. This was disputed by Shri Kanwar Inderjit Singh before the Hon'ble Civil Court stating that Shri Gurbachan Inderjit Singh was not within his right to sell his 1/4th share. As per the Hon'ble Trial Court's Order, Shri Kanwar Inderjit Singh cannot claim as a matter of right the transfer of 1/4th undivided, share of Shri Gurbachan Inderjit Singh, in his favour. The Hon'ble Trial Court Order was upheld by the Hon'ble ADJ Court also.
- (v) It was informed before the CGRF by Shri Amit Dhingra, s/o Late Shri Kewal Prakash Dhingra that his father had taken the shop from the mother of the Appellant (Smt. Prakash Kaur) on pagri system by giving bulk amount of Rs.10,000/-, equivalent to the value of the property alongwith nominal rent agreed between them. After the death of Smt. Prakash Kaur in the year 2000, the property was divided between the three brothers in accordance with the will of their father Shri Sampuran Singh, who was the original allottee.
- (vi) On the request of the Respondent Smt. Veena Dhingra was also made a party by the CGRF. The Respondent could not produce the K. No. file of the connection, stating that the same is not traceable, hence the documents filed by Mrs. Veena Dhingra for change of name of registered consumer, are not available. During the hearing before the CGRF the son -in-law of the



tenant, submitted a copy of the order dated 21.03.2007 of the Hon'ble ADJ, Delhi, and further stated that the second appeal against the judgment of the Hon'ble ADJ Delhi, is pending before the Hon'ble High Court. He requested that the decision regarding change in name of the registered consumer for the connection at present in the name of Smt. Veena Dhingra, may be taken after the disposal of the above appeal in the Hon'ble High Court.

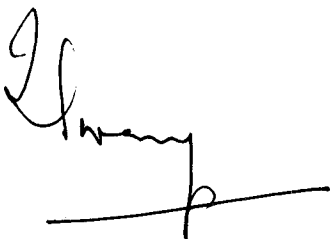
(vii) The CGRF in its order directed that the 'status quo' regarding the name of the registered consumer for the connection transferred in the name of Smt. Veena Dhingra be maintained, till the issue of ownership is decided by the Hon'ble High Court.

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 submissions made by both the parties, the case was fixed for hearing on 15.05.2009.

On 15.05.2009, the Appellant was present in person. The Respondent was present through Shri Rajeev Ranjan, A.M. Legal, Ms. Sapna Rathore and Shri Saheel. Jalal.

Both the parties were heard. The Respondent stated that the original K. No. file is not traceable. The Respondent was directed to try and trace out the original papers or alternatively the file be

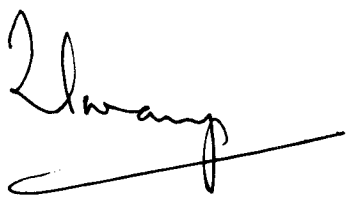


reconstructed. It was directed that a notice be sent to Smt. Veena Dhingra to be present on the next date of hearing alongwith papers available with her, relating to transfer of the connection in her name. The Respondent was asked to produce the Statement of Account also for the connection. The case was fixed for further hearing on 28.05.2009.

4. On 28.05.2009, the Appellant was present in person alongwith Shri Paramjeet Singh, his brother-in-law. On behalf of Smt. Veena Dhingra her daughter-in-law, Smt. Preeti Dhingra, was also present. The Respondent was present through Shri Animesh, Business Manager, Patel Nagar, Shri Rajeev Ranjan, A.M. Legal, Shri Saheel Jalal, A.M., Patel Nagar and Ms. Sapna Rathore, A.M. CGRF.

Both parties argued their case. On Behalf of Smt. Veena Dhingra, Smt. Preeti Dhingra stated that she had verbal consent for transfer of the connection from the Appellant in 2002, and the connection was accordingly transferred in July 2002. She also stated that for several years no objection was raised by the Appellant.

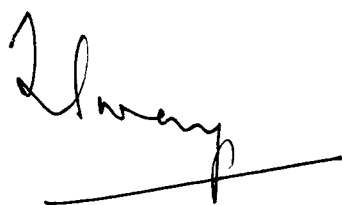
The Appellant however stated that an objection was first raised in writing in 2005 by him when he came to know of the transfer of the connection. The Appellant also admitted that Smt. Veena Dhingra is a tenant in the premises. The Appellant stated that the property is undivided and in the joint name of the three



brothers, sons of the original lessee. The case is pending for revocation of the sale made by one of the joint owners being in violation of the original lease. After hearing both the parties a final opportunity was given to the Respondent to locate the original K. No. file and to file the papers regarding transfer of the connection by the Respondent. The case was fixed for final hearing / arguments on 16.06.2009.

5. On 16.06.2009, the Appellant was present in person alongwith Shri Paramjeet Singh, his brother-in-law. Shri Amit Dhingra and Smt. Preeti Dhingra were also present. The Respondent was present through Shri Rajeev Ranjan, A.M. Legal, Shri Animesh, Business Manager, Patel Nagar, Ms. Sapna Rathore, A.M. CGRF and Shri Saheel Jalal, A.M., Patel Nagar.

The Respondent produced the ledger / register for security deposit made by the consumers which showed an entry dated 30.07.2002 for Rs.800/- deposited by Smt. Veena Dhingra as security for a 1 kw load. Another entry dated 02.08.2002 indicated that a deposit of Rs.1600/- was made by her as security for a 2 kw load enhancement, and Rs.2040/- as development charges deposited by Smt. Veena Dhingra. Another ledger produced also confirmed that the connection was given to Shri Kanwar Inderjit Singh in 1979 for the premises. Shri Amit Dhingra stated that under the 'pagri' system, the property was earlier taken by Shri Kewal Prakash Dhingra, his father, on rent. Now, he has inherited the ownership rights of 1/4th of the property this having been purchased



from the owner Shri Gurbachan Inderjit Singh. The Appellant stated that the property is undivided and the connection should be re-transferred in his name, as he had not given an NOC for its transfer in the name of Smt. Veena Dhingra and the sale transaction was void.

6. It is observed that the connection for the premises earlier existed in the name of the Appellant Shri Kanwar Inderjit Singh, who had 1/4th share in the undivided property. His brother Shri Gurbachan Inderjit Singh who also had 1/4th share in the property sold his share to Shri Kewal Prakash Dhingra. The Respondent could not produce the documents / K. No. file from where it could be ascertained, on the basis of which documents, the name change was effected by the Respondent. The Dhingra family had purchased 1/4th share from Shri Gurbachan Inderjit Singh, who had no electricity connection in the premises in his name. It appears the connection registered in the name of the Appellant was transferred by the Respondent in the name of Smt. Veena Dhingra on the basis of the 1/4th share acquired from the brother of the Appellant, Shri Gurbachan Inderjit Singh. The Business Manager could not confirm the above in the absence of the documents filed by Smt. Veena Dhingra and the fact that the K. No. file was untraceable but he stated that they did not have any documentary proof showing the consent for transfer of the connection in the name of the Appellant.

From the submissions of the parties it can safely be concluded that the connection in the name of the Appellant Shri Kanwar Inderjit Singh



was wrongly transferred in the name of Smt. Veena Dhingra. It is therefore, decided that the connection K.No. 114145450430 be restored in the name of the Appellant, the earlier registered consumer, and the amount deposited by Smt. Veena Dhingra for name change / load enhancement, be refunded to her through cheque, within 15 days of this order.

The CGRF order is accordingly set aside.

24th June 2009.


(SUMAN SWARUP)
OMBUDSMAN