

**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/2009/335**

Appeal against Order dated 09.06.2009 passed by CGRF–BRPL in case no. C.G.No.23/2009.

**In the matter of:**

Smt. Ranjana

- Appellant

**Versus**

M/s BSES Rajdhani Power Ltd.

- Respondent

**Present:-**

**Appellant**      The Appellant Smt. Ranjana was present in person

**Respondent**    1. Shri Ravinder Shrivastava, DGM and  
                              Shri Manish Singh, Manager Commercial attended on  
                              behalf of the BRPL  
                              2. Smt. Shobha present in person

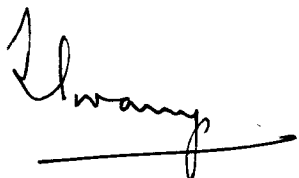
**Date of Hearing**    : 23.10.2009

**Date of Order**     : 28.10.2009

**ORDER NO. OMBUDSMAN/2009/335**

1.0 The Appellant Smt. Ranjana, has filed this appeal against the orders dated 09.06.2009 passed by CGRF-BRPL on the complaint of Mrs. Shobha Vs. BRPL, bearing case CG No.23/2009, stating that:-

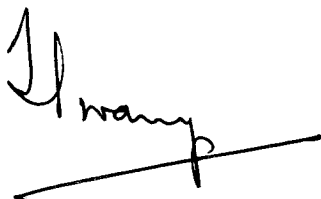
- a) The impugned order was passed by the CGRF in a hurried and mechanical manner without applying its mind.

  
28.10.2009

- b) The CGRF failed to take into consideration the fact that Smt. Shobha is neither the owner of the property in dispute nor in possession of the premises, as her husband Shri Surender is the owner of property in dispute and he has not filed any complaint for removal of the electricity connection. Smt. Shobha does not have any locus standi to file the complaint. Thus the CGRF wrongly held that the connection cannot be granted to the occupier of the flat.

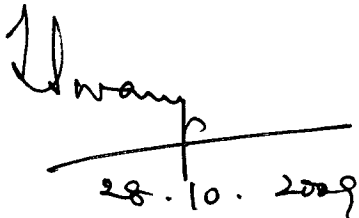
1.1 The background of the case as per the contents of the CGRF-BRPL's order, the facts stated in the appeal and the submissions of both the parties is as follows:

- i) As per the CGRF's record, the flat No. D-99, Sector-V, Dakshinpuri, New Delhi was allotted to Sh. Surender Kumar, husband of Smt. Shobha, resident of B-281, Sector-V, Dakshinpuri, New Delhi. Smt. Shobha filed a complaint before the CGRF for disconnection of electricity connection K. No. 2511 N153 1456 installed in the name of Smt. Ranjana in the premises D-99, Sector-V, Dakshinpuri. The premises D-99 was occupied by Smt. Ranjana and her family with the consent of the owner, but she got the above electricity connection in her name without the consent (NOC) of the owner.
- ii) It was stated before the CGRF that the premises no. D-99 was given by Smt. Shobha for residence to one of



her relatives for some time. At that time, there was no electricity meter installed in the premises.

- iii) On 14.10.2008, an electric connection vide K. No. 2511 N153 1456 was installed by the BRPL without obtaining an NOC from its owner. Smt. Shobha stated before the CGRF that her father-in-law, late Sh. Ramnath, was having four sons namely S/Sh. Mahender, Surender, Ashok and Sanjeev. There were two jhuggies in the name of Sh. Surender, her husband and Sh. Ashok, her brother-in-law in Bapu Dham. These jhuggies were surrendered and in lieu of these two jhuggies, possession slips were issued in the name of Sh. Surender and Sh. Ashok for plot no. D-99 and D-98 respectively in Dakshinpuri, without any payment. On the basis of the said possession slip her husband is the owner of the property in dispute.
- iv) Smt. Ranjana W/o Shri Mahender, and the occupant of D-99, was sanctioned an electricity connection by the officials of the Respondent on the basis of the Voter ID Card and Ration Card, as proof of possession of property. No NOC from Shri Surender, allottee of plot No, 99 was obtained. Smt. Shobha also stated before the CGRF that no property was in the name of Sh. Mahender, husband of Smt. Ranjana, neither in Bapu Dham nor in Dakshinpuri.
- v) The possession slip issued by the DDA was shown by Smt. Shobha to the CGRF Members.

  
28.10.2008

- vi) DGM, Khanpur Sh. Ravinder Shrivastav stated before the CGRF that the electricity connection was sanctioned in the name of Smt. Ranjana on 14.06.2008 after completion of requisite commercial formalities. However, the file/ record relating to sanction of the connection was not produced and was reported to be not traceable.

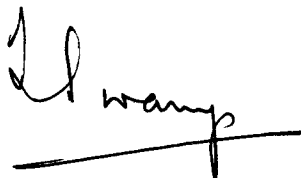
1.2 The CGRF decided the matter in favour of Smt. Shobha and the Respondent officials were directed to remove the electricity connection sanctioned in the name of Smt. Ranjana in the premises D-99.

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

2.0 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 23.10.2009. A notice was also issued to Smt. Shobha, being the affected party, to be present at the hearing.

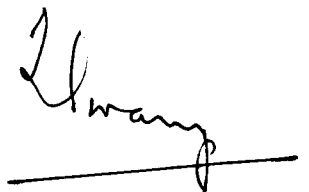
On 23.10.2009, the Appellant Smt. Ranjana was present in person. Smt. Shobha, the complainant before the CGRF was also present. The Respondent was present through Sh. Ravinder Shrivastav, DGM and Sh. Manish Singh, Manager (Commercial).

The Respondent officials produced the file relating to grant of electricity connection to Smt. Ranjana from which it was seen

  
28.10.2009

that a new connections was granted to Smt. Ranjana on the basis of proof of residence, an Affidavit and Indemnity Bond. Both Smt. Ranjana and Smt. Shobha argued their case. Smt. Ranjana stated that she is residing in the premises D-99, since 1980 and produced the voter's ID card dated 07.10.2002 issued in her name and a ration card recording the name of Smt. Ranjana and her husband Sh. Mahender, along with other family members dated 10.04.2007. She stated that she is residing in the said premises since 1980 and was getting the electricity from the electricity connection installed in the adjoining premises, D-98 allotted to her brother-in-law. The premises D-98 was sold in 2008, and it is then that she applied for a separate electricity connection in her own name. It was also stated that Smt. Shobha is not residing in the premises D-99 but she is residing at B-281, Sector-V, Dakshinpuri. Smt. Shobha stated that a dispute regarding the ownership of the premises D-99 is already pending in the Hon'ble Civil Court and as such no electricity connection, either in her name or in the name of Smt. Ranjana be allowed in the said premises, till the dispute regarding ownership is resolved. She apprehended that she may be burdened with huge arrears at a later stage, once the case is decided in her favour.

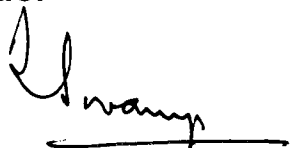
3.0 Without going into the merits of the case of ownership, it is noted that Smt. Ranjana has been residing in the premises at D-99, Dakshinpuri for a long time and using electricity. No objection was raised to use of electricity by her by Smt. Shobha earlier,

  
28.10.2008

who also confirmed that Shri Mahender & his family had been residing in the premises for years. Keeping in view the above facts and also that Smt. Ranjana has been using electricity for years, and paying her bills regularly from the time of installation of the new connection, It is decided that the electricity connection which was disconnected as per the CGRF's orders dated 09.06.2009, be restored in the name of Smt. Ranjana who is still residing in House No. D-99 and had earlier been drawing electricity from her brother-in-law's connection. Later she was sanctioned a separate connection in 2008. This order will remain effective till the dispute regarding ownership of the property is decided by the Hon'ble Civil Court. Because of the pending property dispute, it will not be fair to deny the facility of electricity to the Appellant who is residing in the same premises since 1980 and has been enjoying electricity for the past many years. However, Respondent should ensure timely raising of bills and their regular payment. Arrears should not be allowed to accumulate, so that no liability is allowed to accrue on this account.

**The order of the CGRF is accordingly set aside.**

28<sup>th</sup> October 2009.

  
(SUMAN SWARUP)  
OMBUDSMAN