

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 No: 011- 26144979)

Appeal No. 37/2021

(Against the CGRF-TPDDL's order dated 21.10.2021 in CG No. 61/2021)

IN THE MATTER OF

SHRI MUKESH GARG

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Ramphal Gupta, Authorized Representative of the Appellant

Respondent No. 1: Shri Ajay Joshi, Sr. Manager (Legal) & Shri Naveen Sharma, Executive, on behalf of the TPDDL.

Respondent No. 2: Shri Sandeep Thakur, Advocate on behalf of Smt. Raj Rani

Date of Hearing: 04.03.2022

Date of Order: 07.03.2022

ORDER

1. The appeal No. 37/2021 has been filed by Shri Mukesh Garg against the order of the Forum (CGRF-TPDDL) dated 21.10.2021 passed in CG No. 61/2021 R/o Plot No. 4-B, Khasra No. 515 & 520, Jeevan Park, Siraspur, Delhi - 110042.

2. The background is that the Appellant, Shri Mukesh Garg had approached the CGRF-TPDDL for removal/re-location of an electricity connection bearing CA No. 60027025703 installed in the name of Mrs. Raj Rani, R/o Plot No. 4, Khasra No. 515 & 520, Jeevan Park, Siraspur, Delhi - 110042 on the wall of his property bearing Plot No.-4-B. The Appellant claimed that he is the owner of sub-divided portion of 400 sq. yard bearing Plot No. 4-B, Khasra No. 515 & 520, Jeevan Park, Siraspur, Delhi-110042. He alleged that the Respondent wrongly installed the said electricity connection on the wall of his premises, bearing Plot No. 4-B instead of Plot No. 4,



which needs to be removed and affixed at appropriate address. The Appellant also submitted that a property dispute case has already been filed by him in the Civil Court regarding the same property and a FIR has also been registered. The case is in progress before the court.

3. The Respondent has stated before the CGRF that connection bearing No. 60027025703 was energized on 09.11.2020 on the basis of documents submitted by Smt. Raj Rani (Respondent No.-2). At the time of installation of the said connection there was no dispute found. Furthermore, on the direction of the CGRF, the site was inspected and it was found that there is no demarcation of the plot on the land, which is partly surrounded by boundary wall and has a vacant land.

4. The CGRF also impleaded Respondent No. -2, Mrs. Raj Rani, R/o Plot No. 4 being the registered Consumer of the electricity connection, in question. She alleged that the Appellant, Shri Mukesh Garg, trying to mislead the Forum by filing such frivolous complaints. The Appellant is one of the owners among other/ property dealers of the plot. The Appellant himself sold the plot to her.

5. The CGRF has dismissed the Appellant's plaint for removal/ relocation of the said connection at proper address on the ground that the matter pertains to a property dispute and already subjudice in the concerned court. The said electricity connection had been released in the name of Smt. Raj Rani, on the basis of documents submitted by her, hence, outside the jurisdiction of the CGRF to get the said connection removal or relocated. It is also emphasized that no demarcation of property exists and the case against the property is already pending before the Court.

Further, as per Regulation 10(1) (vii) of DERC (Supply Code and Performance Standards) Regulations, 2017 "the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or titles over the premises." The CGRF do not find any merits in the complaint and dismissed the same.

6. I have gone through the documents placed on record, the contention of the Appellant, written submission of the Respondent and also heard them in person about their respective stand on the issue in question. Lawyer of Smt. Raj Rani, in whose name the electricity connection exists was also there during the hearing. He was also given opportunity to put forth his contention on the issue.




7. On the face of it, the issue revolves around a plot in question admeasuring 1300 sq. yards, which has been divided and further sub-divided and sold (on the basis of Registry, Registered Power of Attorney and Un-registered Power of Attorney) to different parties at different times. One plot measuring 100 yards was also sold to Smt. Raj Rani on the basis of Power of Attorney in the year 2013. Subsequent to this sale, she was given second right of way (14 feet wide) traversing the divided plot. Further, she constructed the house on the said plot in the year 2020 and presently a tenant is staying on this plot with a room constructed on it. It is also a fact that this plot also was carved out of the two portions of the original plot. The meter connection vide CA No. 60027025703 was also installed at her request after due verification of the documents, as claimed by the Respondent. During all the above listed activities, viz; carving out the plot, creating right of way, construction of the house and fixing of meter, no dispute, whatsoever, was raised by any of the parties or in other words, there was meeting of minds on all the above activities. Suddenly, the Appellant makes the present complaint/appeal on only one issue i.e. fixing the meter at the wrong address - relocation thereof. Appellant does not speak about other issues.

8. While taking into account the foregoing, it is evident that the Appellant is trying to involve this Forum in a property dispute which is existing and an FIR also has been lodged in Police Station, Samaypur Badli, vide FIR No. 355 dated 25.05.2019.

9. In view of above, I am of the considered opinion that the appeal does not have merit at this point in time. As the issue has arisen out of a property dispute and the dispute is required to be adjudicated by appropriate Court of Law, i.e. Civil Court. The Appellant could approach the Respondent after getting appropriate order from the Court of Law as this Forum is not competent to decide on the property dispute or demarcation of land or any other matter related to land dispute.

10. It could be emphasized that having connection does not create or take away any right, title or interest in ones property in ones favour or against any person.

11. The appeal is therefore dismissed. The Appellant is at liberty to approach the appropriate court for redressal of his grievance.


(P.K. Bhardwaj)
Electricity Ombudsman
07.03.2022