

OFFICE OF THE 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/2010/372

Appeal against Order dated 25.03.2010 passed by CGRF-BRPL in case no. C.G.No.12/2009.

In the matter of:

Sh. Jitender Sethi - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri Sachin Jain, and
Shri Neeraj Jain, Advocates for Appellant
Shri Jarnail Singh

Respondent Shri Arun K. Tyagi, DGM, Tagore Garden,
Shri B. Jha, B.M, and for BRPL
Shri Ishwar Singh, A.M.,

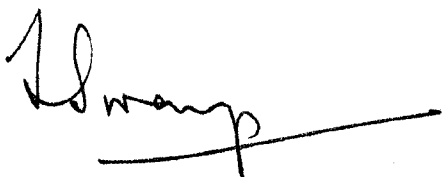
Shri Karnail Singh, Smt. Bhagwati Devi,
Smt. Radha W/o Shri Karnail Singh and
Smt. Rajwati, sister of Shri Karnail Singh
were also present.

Date of Hearing : 25.05.2010, 15.07.2010

Date of Order : 22.07.2010

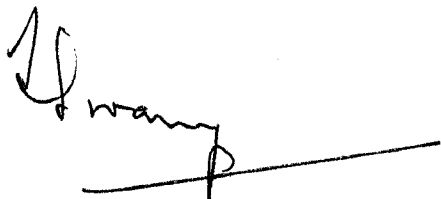
ORDER NO.: OMBUDSMAN/2010/372

- 1.1 The Appellant, Shri Jitender Sethi has filed this Appeal against the order dated 25.03.2009 passed by the learned CGRF-BRPL in the case No. CG/12/2009.



1.1 The brief facts of the case according to the records and submissions of the parties are as under:

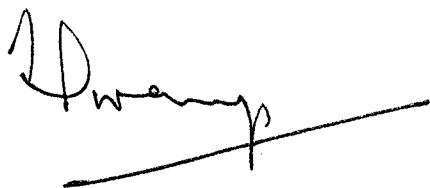
- a) The Appellant, Shri Jitender Sethi, filed a complaint dated 14.01.2009 before the CGRF-BRPL stating that he is the owner of the premises A-488, 1st Floor, J J Colony, Chaukhandi, Near Khayala, New Delhi- 110 018, and the first floor portion of the aforesaid house was let out by him to Shri Karnail Singh, s/o Shri Pratap Singh on rent, after he purchased it from Shri Jarnail Singh through GPA dated 04.11.2008.
- b) The Appellant contended that since the new connection K. No. 2641T2050418 was sanctioned and energized unauthorizedly by the officials of the BRPL, without his permission/NOC, he requested for removal of the connection and for action to be taken against the officials of the Respondent.
- c) The DGM (D), Tagore Garden stated before the CGRF that Smt. Bhagwati Devi, w/o Late Shri Pratap Singh, resident of A-488, J J olony, Chaukhandi, Near Khayala, New Delhi- 110 018, applied for a new connection alongwith the requisite documents i.e. the required undertaking, test notice, voter identity card, affidavit, GPA and a 'no objection certificate' issued by Shri Jarnail Singh, her son. The



connection was released in favour of Smt. Bhagwati Devi, vide K. No. 2641T2050418.

- d) Before the CGRF, Appellant requested for disconnection of the new electricity connection in the name of Smt. Bhagwati Devi and removal of the meter from the 1st floor premises occupied by Shri Karnail Singh.

The CGRF asked the complainant to show proof to establish that he had let out the property to Shri Karnail Singh or Smt. Bhagwati Devi. He could not however produce any proof to establish this fact. Smt. Bhagwati Devi established her occupation of a portion of the house situated at A-488, J J Colony, Chaukhandi, Near Khayala, New Delhi- 110 018. The CGRF, therefore, observed that it could not be ascertained that Shri Jitender Sethi is the owner of the portion of premises occupied by Smt. Bhagwati Devi. As the complainant could not prove the ownership of the portion of the property occupied by Smt. Bhagwati Devi, therefore, he was restrained from questioning the entitlement of the occupant for a new electric connection. The CGRF observed that Smt. Bhagwati Devi obtained an electric connection in her own name and furnished all the requisite documents before the Respondent. The complaint of Shri Jitender Sethi was dismissed.



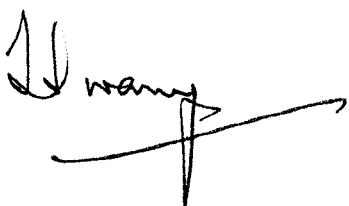
e) Not satisfied with the CGRF's order, the Appellant has filed this appeal.

2.0 After scrutiny of the records and after obtaining the required clarifications from the parties, the first hearing in the matter was fixed on 25.05.2010.

On 25.05.2010, the Appellant was present through his counsel Shri Sachin Jain. The Respondent was present through Shri B.Jha(B.M.) and Shri Ishwar Singh(A.M.).

Both the parties argued their case at length. The Appellant stated that Smt. Bhagwati Devi is the mother of Shri Jarnail Singh, the former owner of the property who acquired the property on the basis of a GPA executed between him and the original allottee. After hearing both the parties it was decided that K. No. files of all the meters installed in the building be produced, alongwith details of the area/floor to which they are supplying electricity. A site visit should be carried out to confirm the area / floor to which the meters are supplying electricity, and the details of occupants of each of the floors be given. Notices were also to be issued to Shri Jarnail Singh, Shri Karnail Singh, and Smt. Bhagwati Devi for appearance, being the affected parties. The case was fixed for further hearing on 02.07.2010. However the hearing was rescheduled for 15.07.2010.

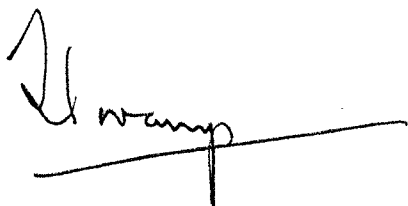
2.1 On 15.07.2010, the Appellant was present through Shri Sachin Jain and Shri Neeraj Jain. Shri Jarnail Singh, Shri Karnail Singh,



Smt. Bhagwati Devi, Smt. Radha, w/o Shri Karnail Singh, Smt. Rajwati, sister of Shri Karnail Singh, were also present. The Respondent was present through DGM (B), Tagore Garden.

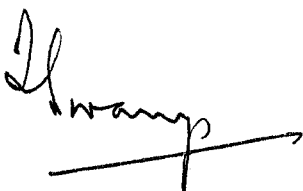
All the parties were heard. As per the records produced and the statements made, it emerged that Shri Jarnail Singh purchased property No. A-488, J J Colony, Chaukhandi, Near Khayala, New Delhi – 110018, having ground floor only, from the original allottee Smt. Kartar Kaur vide GPA dated 24.11.1986. Later on the first, second and third floors were also constructed. Shri Karnail Singh, brother of Shri Jarnail Singh has been residing on the first floor and Smt. Bhagwati Devi his mother, on the second floor. Smt. Bhagwati Devi produced the voter identity card issued on 26.04.1995 and ration card bearing her name and that of her sons Shri Karnail Singh, Shri Raja and other family members, and stated that she is residing with her sons and their families for the past more than twenty years in the premises. She stated that she has four sons and when the property was purchased only the ground floor existed. Later three other floors were constructed, one each for her other three sons.

2.2 The entire premises was being fed from a single electric connection installed on the ground floor, in the name of the original allottee Smt. Kartar Kaur. Shri Jarnail Singh, her son residing on the ground floor, sold his portion to Shri J.K. Sethi, the Appellant, and thereafter Smt. Bhagwati Devi applied for another electric connection for supply of electricity to the other floors. Shri Karnail Singh produced a copy of an agreement of sale dated 20.05.1987



alongwith affidavit and 'will' signed by Shri Jarnail Singh for having agreed to sell the first floor property no. A-488 to Shri Karnail Singh. The Appellant also produced a copy of GPA dated 04.11.2008 whereby Shri Jitender Sethi, through GPA executed by Shri Jarnail Singh, became the owner of terrace/roof right and above of ground floor of the property A-488, Chaukhandi. Neither Shri Jarnail Singh nor the Appellant could give any satisfactory reply as to why the roof /terrace rights above ground floor of the said property was sold/purchased, when it was not in their ownership or possession/occupation, as Shri Karnail Singh and his family and Smt. Bhagwati Devi were already residing on the first and second floors. It was also not explained how before the CGRF, Shri Karnail Singh was stated to be a tenant in the said property. The Appellant stated that for getting an electricity connection, Smt. Bhagwati Devi filed an 'NOC' given by Shri Jarnail Singh after he had executed the GPA in his favour. Shri Jarnail Singh stated that the 'NOC' was not given by him or signed by him. Smt. Bhagwati Devi stated that she acquired a separate electricity connection for supplying electricity to the first, second and third floors, as after sale of the ground floor she could not use the existing meter.

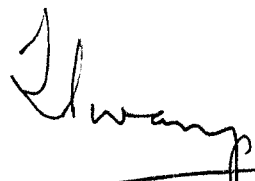
- 3.0 From the records and statements made, it is evident that Smt. Bhagwati Devi, alongwith her sons Shri Karnail Singh and Shri Raja and their families, is residing on the 1st and second floors of the property for the past many years. The need for another electricity connection has arisen only when the ground floor was



(11)

sold by Shri Jarnail Singh S/o Shri Bhagwati Devi to the Appellant. It was confirmed that neither Shri Jarnail Singh nor Shri Jitender Sethi are presently residing in the said premises. It is, therefore, decided that Smt. Bhagwati Devi may continue to have the new electricity connection sanctioned earlier in her name for use in the portions in her possession. There is no reason to interfere with the orders of the CGRF. The Appellant's appeal is accordingly disposed of.

22nd July 2010


(SUMAN SWARUP)
OMBUDSMAN