

**OFFICE OF 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**

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**Appeal No. 38/2024**

(Against the CGRF-TPDDL's order dated 10.09.2024 in C.G No. 39/2024)

**IN THE MATTER OF**

Shri Anil Jain

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

**Present:**

Appellant: Shri Anil Jain along with his son Shri Aakash Jain and  
Advocate, Shri Vinod Kumar

Respondent No.1: Shri Ajay Joshi, AGM (Legal) and Shri Pardeep Singh,  
AGM (CWG), and Shri N. N. Pandey, Executive on behalf of the  
TPDDL

Respondent No.2: Shri Ajay Jain along with Advocates Shri K.B. Rao and  
Shri B.M.Garg

Date of Hearing: 22.01.2025

Date of Order: 24.01.2025

**ORDER**

1. Appeal No. 38/2024 has been filed by Shri Anil Jain, R/o H. No. 208, Vivekanand Puri, Near Sarai Rohilla Police Station, Delhi -110007, challenging the CGRF-TPDDL's order dated 10.09.2024, passed in CG No. 39/2024, through his advocate Shri Vinod Kumar.

2. The instant case is that the Appellant has filed a complaint before the CGRF alleging that the Discom had changed the consumer name for the electricity connection bearing CA No. 6000946076 (energized on 27.02.2003) installed at



property bearing No. 96, Block – S, Badli Industrial Area, Phase – 1, Delhi. The name was changed from M/s International Corporation Ltd. to Shri Ajay Jain and subsequently CA No. was also changed to 60030562106 based on submission of forged and fabricated documents. This fact came to his knowledge in July, 2023.

3. The Appellant submitted the details regarding the history of the property, stating that the same was allotted to Retd. Lt. Col. Shri V.P.Singhal in 1969 in the name of M/s International Corporation Ltd. Thereafter, a partnership deed was executed among S/Shri V.P. Singhal, Ashok Jain and Anil Jain with the share of 10%, 45% and 45%, respectively. On 10.05.1993, Shri V.P. Singhal sold aforesaid company and executed a sale-deed in favour of Shri Ashok Jain and Shri Anil Jain. Subsequently, on 10.05.1993, Shri V. P. Singhal executed a dissolution deed and a registered will in favour of Shri Ashok Jain and Shri Anil Jain, and deleted his name from the partnership. Shri V.P. Singhal passed away on 02.04.1998.

The Appellant further submitted that despite several visits and e-mail correspondence, the Discom failed to provide any satisfactory reply. Consequently, he filed a complaint with the Forum, and requested to direct the Discom to transfer the connection of CA No. 60030562106 (previously it was CA No. 60009460746) to M/s International Corporation Ltd. besides compensation on account of physical and mental harassment suffered.

4. The Discom before the CGRF submitted that the allegations made by the complainant in respect of forged and fabricated documents shows that this matter is beyond the jurisdiction of the Hon'ble CGRF. The Respondent has merely acted on the request of the applicant (Respondent No. 2 before this Court) and has processed the name change for the electricity connection based on the submitted documents, as per DERC's Regulations. The complainant is trying to use the electricity connection issue as an instrument to address his on going dispute with the firm.

5. The Respondent No. 2, Shri Ajay Jain has submitted that he has possession of the property in question located at Plot No. 96, Block – S, Badli Industrial Area, Phase – 1, Delhi, for several decades. This property is leasehold property, meaning that the State retains ownership until it is converted to freehold status. Under this status, no individual can claim outright ownership of the leasehold property. Furthermore, all electricity bills for the property in issue have been paid by him. In 2022, using his authority, as a General Power Authority (GPA) holder, applied for a name change on the electricity meter/connection, which was subsequently processed and changed by the Discom, after following due process. The complainant (Appellant before this court) who is the elder brother of Shri Ajay Jain has previously filed a case regarding the same issue of the name change of the electricity connection which is currently pending for adjudication in the court of Judicial



Magistrate, North Rohini Court (Case No. CT. Case/261/2024). The complainant has no locus standi in this matter as he holds no rights to the property, in question. He has further submitted that he has been operating a business under the name of 'JYNA ENTERPRISES' at the same address for which he holds GST registration certificate. He has also been consistently paying the electricity bill since April, 2019.

6. The Discom has stated that if the complainant (Appellant before this Court) feels that the documents provided by Shri Ajay Jain for the name change are forged and fabricated, he is free to take any legal remedies available against him.

7. The CGRF, in its order dated 10.09.2024, held that the Discom is under universal service obligation to supply electricity to consumers and in order to supply them, it seeks for completion of prescribed commercial formalities, in accordance with the DERC's Regulations. The Discom has changed the name after following the process. However, it needs to be emphasized that as per the settled law, having electricity connection does not give or take away any right, title or interest in the property in favour of or against any of the persons. Consequently, the Forum ordered that till question of title and possession is decided by the appropriate/competent Civil Court, *status quo* be maintained in the interest of justice. The complainant is however, at liberty to take appropriate action against Respondent No. 2, Shri Ajay Jain, in the competent court of law.

8. The Appellant, feeling dissatisfied with the order passed by the CGRF-TPDDL on dated 10.09.2024, has filed this appeal restating the submissions as before the CGRF. The Appellant has requested before this Court:

- a. To set-aside the CGRF-TPDDL's order dated 10.09.2024
- b. To Direct the Respondent No. -1, to amend the name on the electricity connection (CA No.) from Shri Ajay Jain to M/s International Corporation Ltd. (previously registered consumer), till the title of property is decided.
- c. To award a compensation on account of harassment.
- d. To pass any other order in the interest of justice.

9. The Discom, in its response dated 21.11.2024 to the appeal, has reiterated its submissions as before the Forum. In addition, the Discom submitted that GPA, Registered Will and other related documents were executed on the same date, i.e. 10.05.1993, in favour of Shri Ajay Jain (Respondent No. 2) and the Appellant respectively. There was no dispute till the death of the Executant and thereafter till



June, 2023. Moreover, the Appellant also admitted before the CGRF that M/s International Corporation is no longer in existence. The Discom also referred to Regulation 10(1)(vii) of DERC's Supply Code, 2017, which provides that the electricity shall be only for supply to the premises occupied by the consumer and shall not be treated as having rights or titles over the premises.

10. The appeal was admitted and fixed for hearing on 22.01.2025. During the hearing, all the parties were present along with their representatives/advocates. An opportunity was given to all the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

11. During the course of hearing, the Advocate for the Appellant, reiterated his contentions, as mentioned in the appeal. He submitted that the request for name change from M/s International Corporation (CA No.60009460746) to Shri Ajay Jain (CA No. 60030562106) installed at premises no.S-96, was applied on the basis of General Power of Attorney (GPA) executed by Shri V.P. Singhal. It was submitted that a separate GPA was executed on 10.05.1993. A 'Will' and 'Agreement to Sell' in the name of "Shri Anil Jain and Shri Ashok Jain" were also executed on the same day i.e. 10.05.1993 by Shri V.P.Singhal. in 1993 itself. Further, the GPA holder did not seek any permission/NOC from the co-owner before carrying out the name change. It was not in dispute that Shri V. P. Singhal had expired on 02.04.1998. He further contended that GPA executed in the 1993 had lost its weight and legal validity after the death of the executor of the GPA.

12. The Respondent No.1 (Discom) reiterated its contention as in their written submission. They submitted that name change request was made on 10.12.2022 by Shri Ajay Jain on the basis of Aadhar Card and GPA dated 10.05.1993 in the name of Shri Abhimanyu Jain and Shri Ajay Jain. An affidavit and 'NOC' from Shri Abhimanyu Jain was also one of the documents submitted, for consideration of the name change. On the basis of an objection raised by the Appellant, the show-cause notice was served to Shri Ajay Jain vide dated 20.09.2023 for reversing the name change and for maintaining status quo. In the reply to show-cause notice, the Respondent No.-2, submitted the documents as submitted earlier. There was however no satisfactory response on action, if any, taken when the factum of death of Shri V.P.Singhal came to the notice of the Discom, as mentioned in its submission dated 14.05.2024 before the CGRF. The course of action was necessary, since the death of the executor had led to the GPA being invalid and, therefore, cannot be used as a document under Clause 10(3) of the DERC's Supply Code, 2017, on the date of application for change of name.



13. Respondent No. 2 (Shri Ajay Jain) submitted a set of written submissions with a copy to the Appellant, which was taken on record. He asserted that the GPA was irrevocable and valid. However, he submitted following four objections on the maintainability of appeal:

- i) There was a delay in filing the appeal.
- ii) Locus Standi of Shri Anil Jain to submit an appeal.
- iii) The matter is sub-judice and,
- iv) Documents forged by the Appellant and his advocate which require action

14. With regard to the above points raised by Respondent No.-2, it was clarified by the Court that the delay was condoned suitably before admitting the appeal. It was further clarified that the limited matter, i.e. name change and the procedure is not sub-judice in any court at the time of hearing of the appeal. This Court is only dealing with the change of name and the procedure adopted by Discom whether it is in accordance with the DERC's Supply Code, 2017, or not. Regarding forgery of document etc., it was required to be dealt by police/court of the competent jurisdiction, for which Respondent No. -2, may take recourse accordingly.

15. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (a) There is no dispute that title or interest in property is to be defined by the competent Court of Law.
- (b) Matter relating to forgery or fabrication of documents is pending before Rohini Judicial Magistrate Court, in the form of a complaint under 156(3) of Cr. P.C and no direction has been issued by the court regarding any stay or investigation.
- (c) Before the CGRF, the Respondent No. -2 (Shri Ajay Jain) had submitted a copy of registered GPA, executed by Shri V.P.Singhal on 10.05.1993, as sole proprietor of M/s International Corporation appointing Shri Abhimanyu Jain and Shri Ajay Jain as lawful General Attorney. He also submitted registration certificate of M/s Jyna Enterprises under GST, various invoices reflecting payment for the firm at the address S-96, Badli Industrial Area, Delhi – 110042, besides payment of electricity and MCD property tax. A Memorandum of Understanding dated 14.01.2013 between Ashok Jain and Ajay Jain was also placed on record, reflecting occupation and steps

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required for proper conveyance-deed etc. The Appellant on the other hand, as part of written submission placed on record Agreement to Sell dated 10.05.1993 between first party Late Shri V.P.Singhal and Shri Ashok Jain & Shri Anil Jain as second party. The Discom also placed on record, documents submitted by Shri Akash Jain and Shri Ajay Jain, including the death certificate of Shri V.P.Singhal dated 02.04.1998 issued by MCD.

- (d) It is, therefore, apparent that during consideration of the matter before CGRF, the aspect of death of Shri V.P. Singhal, was known to all the parties
- (e) It is also observed that the document executed (GPA) in the year 1993 is used after a gap of 29 years, i.e. in the year 2022 for change of name. Discom should have carried out due diligence in verifying the claims of the application submitted by Respondent No. -2.
- (f) By virtue of GPA, Abhimanyu Jain, did not become a partner or owner. As per application form, consent of Co-owner is required for transfer of connection. Discom did not follow this procedure. The transfer of connection was, therefore, erroneous, since there was no compliance with the provisions of Regulation 10(3), which reads as under:

*"Proof of ownership or occupancy of the premises:-*

*Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-*

- (i) *Certified copy of title deed;*
- (ii) *Certified copy of registered conveyance deed;*
- (iii) *General Power of Attorney (GPA);*
- (iv) *Allotment letter/possession letter;*
- (v) *Valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;*
- (vi) *Rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;*
- (vii) *Mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;*
- (viii) *sub-division agreement;*



- (ix) *For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises."*
- (g) At the time of application for transfer of connection, Shri Ajay Jain signed a declaration as under:

*That in furnishing the present Declaration, the Applicant has clearly understood that should any of the statements in this declaration prove to be false or incorrect any later stage, the Licensee shall within his lawful right to disconnect supply to the promises without any prior notice and proceed to adjust electricity supply dues payable by the applicant against consumer security deposit and/or recover the same in accordance with law.*

There was a certain non-compliance with the commercial formalities. Any action for transfer of title of property has to wait for decision on title by Civil Court and a decision by the Criminal Court on fabrication of documents etc. It is also relevant that after the death of Shri V.P.Singhal on 02.04.1998, any GPA executed by him, has ceased to have any effect or force of law. This is also in consonance with the Provisions of Section 201 of the Indian Contract Act 1872. The concealment of the aforesaid fact by the applicant vitiated the declaration in the application form for transfer and affects the vires of the transfer.

16. In the light of the above, this court directs as under:


- i. The order of CGRF is set-aside. Discom may take steps to restore the status quo as on the date of application for change of name, i.e. on 10.12.2022. There was non-compliance with Regulation 10(3) of DERC' Supply Code, 2017. There was also definite violation in declaration submitted by the Respondent No. -2, in the application. A show-cause notice has already been issued by the Discom in this regard.
- ii. Any change of the name of the Company/connection can be subsequently considered by the Discom in the light of the decision on title by the competent Civil Court.



- iii. CEO may like to put in place proper SOP in cases like this so that due diligence is done before taking any action.
- iv. Compliance report be submitted within four weeks' time.

17. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
24.01.2025