

## **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/2012/481**

Appeal against the Order dated 03.04.2012 passed by CGRF–  
TPDDL CG.No. 4022/01/12/MDT.

#### **In the matter of:**

**Shri Gopal Jha - Appellant**

**Versus**

**M/s Tata Power Delhi - Respondent  
Distribution Ltd.**

#### **Present:-**

**Appellant: The Appellant Shri Gopal Jha was present in person**

**Respondent: Shri K.L. Bhayana, Advisor and Shri Vivek, Sr.  
Manager, Legal both are attended on behalf of the  
TPDDL**

**Date of Hearing: 17.07.2012**

**Date of Order : 24.07.2012**

### **ORDER NO. OMBUDSMAN/2012/481**

This appeal was filed by Shri Gopal Jha against a order of the CGRF dated 03.04.2012 rejecting his plea for disconnection of connections released through Notifications No. 2002087446 & 2002087452 at D-82, Lord Krishna Road, Adarsh Nagar, Delhi – 110033, in favour of some other parties, namely, Shri Suraj Prakash and Smt. Ramesh Sachdeva.

The background to the case was that Shri Gopal Jha, owner of the above plot of 120 sq. yds. sold 90 sq. yds. to Shri Suraj Prakash and Smt. Ramesh Sachdeva, while keeping 30 sq. yds. for his own use, as per oral submission today. He agreed to sign a form/application submitted to MCD for sanction of building plan of the full plot alongwith the other two owners. A building plan was sanctioned and construction carried out. He claims that the DISCOM's application for temporary electric connection for builders was also signed by all three. He states that there was an understanding with the other two new owners that one floor was to be given to him in lieu of his residual share of 30 sq. yds., but that they have now forcibly denied him his share from the property, and have got permanent electric connections from the DISCOM only on the basis of their own two signatures. His contention was that the DISCOM cannot release a permanent electric connection in the absence of his signature on the application and this has allowed the other two owners to cheat him and, hence, the electric connection should be cut so that he can re-gain his share in the property.

I heard both the parties. It is not possible in this grievance redressal mechanism of the Electricity Ombudsman to intervene in a property dispute, or to allow people to assert their rights vis-à-vis each other in property matters merely by allowing and disallowing electricity connections. That cannot be the focus of this hearing. The short point for determination here is whether the CGRF was wrong in rejecting disconnection of the connections listed above, and in not

accepting his plea that his NOC was required before Shri Suraj Prakash and Smt. Ramesh Sachdeva could get electricity connections. It is an admitted fact that the property has been constructed on the full 120 sq. yds. with no demarcation into 90 sq. yds. and 30 sq. yds. respectively. Shri Gopal Jha has given his tacit approval for his 30 sq. yds. share to be merged into the full 120 sq. yds. construction by signing the MCD paper for building sanction on the full plot. It appears that he may have overlooked inserting a relevant clause protecting his share of 30 sq. yds. by getting mention of one floor, in lieu thereof, inserted into the agreement/sale documents. Had he done so, and clearly identified which floor viz; first, second or third, etc., would belong to him he would have been on firmer ground in asking the DISCOM not to release an electric connection for that part of the property. Having not carried out the above steps, he is now at a disadvantage, by his own admission.

The CGRF have appropriately mentioned that there is no documentary evidence for division of the plot into 90 sq. yds. and 30 sq. yds. segments, respectively, and hence they decided the disconnection cannot be ordered. I do not find any error in the judgement of the CGRF on this point.

It may be noted, however, that the DISCOM could have recognized the existence of the complainant's contention of a share in the property when he wrote to them for disconnecting the above two electricity connections. Detailed reasons for dis-agreeing to his request could have been recorded and conveyed to the complainant

by the DISCOM. This would allow him the opportunity of arguing his case properly in the appropriate forum or Court. The other party in the dispute would not obtain an inadvertent opportunity to argue that the DISCOM has upheld their rights as sole owner, which cannot be the case here.

This position is still open and the DISCOM could record their detailed reasons for rejection to Shri Gopal Jha, while refusing to intervene in the process, which is reportedly before a Civil Court to determine the respective rights of the three parties.

The appeal of the complainant is therefore dismissed. The DISCOM may convey the reasons for the rejection to the complainant.



(Pradeep Singh)  
Ombudsman

24/7 JULY, 2012