

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/2012/484 and 485

Appeal against the Order dated 30.01.2012 passed by CGRF–
TPDDL CG.No.3860/11/11/KPM & 3862/11/11/KPM

In the matters of:

Shri Anil Mehra - Appellant

Versus

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

Present:-

**Appellant: The Appellant, Shri Anil Mehra alongwith his
advocate Ms. Poonam were present**

**Respondent: Shri Vivek, Sr. Manager, Legal and Shri Anirudh
Sinha, Sr. Officer (CMG) both are attended on behalf
of the TPDDL**

Date of Hearing: 21.11.2012

Date of Order : 27.11.2012

ORDER NO. OMBUDSMAN/2012/484 and 485

These are two cases filed by Shri Anil Mehra s/o Late Jagat Narain Mehra resident of 65, Gandhi Gali, Fatehpuri, Delhi, regarding denial of electricity connection at the above address, in his share of the property, by TPDDL. Since both appeals are based on the same set of facts, they are being disposed off by a common order.

The Appellant had gone to the CGRF against the denial of connection and an order was passed on 30.01.2012 ordering release

of connection after submission of a No Objection Certificate from Shri Sunil Mehra, brother of Shri Anil Mehra. Objecting to this requirement imposed by CGRF Shri Anil Mehra came in appeal to the Ombudsman.

The background of the case is that there are three brothers viz. Shri Anil Mehra, Shri Sunil Mehra and Shri Sanjeev Mehra who obtained a consent decree from the High Court of Delhi passed in Suit No.1325 of 1996 by which their respective rights in the above mentioned property were clearly demarcated and their respective shares were marked on a plan attached to the High Court Order. The consent decree, by implication, also clarified the respective rights of the brothers in future floors to be built. Having carried out such further construction above the then existing property Shri Anil Mehra approached TPDDL for release of electricity connections, as per consent decree, which had clearly allowed such connections to be released without objection from anyone else.

However, the DISCOM clearly objected forcing Shri Anil Mehra to go to CGRF and the CGRF also mistakenly specified a no objection to be obtained from Shri Sunil Mehra when all that was required was a demarcation of the site in terms of the High Court consent decree. Consequently, the Appellant Shri Anil Mehra was denied an electric connection for almost a year and a half. The DISCOM could not bring forth any cogent reasons why on the basis of the details contained in the consent decree, and the attached plan thereto, a site inspection could not have resolved the matter to everyone's satisfaction and electric connections released. This is

clearly a deficiency of service. No effort was made to go into the necessary details of the documents available. No interaction with all the stake holders was done and no effort at demarcation was made. A simple denial forced the Appellant to go to CGRF and then to come to the Ombudsman.

The TPDDL is directed to act as per the consent decree and the High Court Order and release connections after proper demarcation, through an appropriate agency, to any of the brothers who may apply for the same without delay. The High Court Order clearly specifies that none of the brothers can object to each other's rights and are in the shoes of the 'landlord' in respect of their respective shares. This should be interpreted accordingly with reference to the no objection certificate requirement in the regulations for release of connections and cannot become an obstacle for denying a connection. In case there is a doubt regarding the exact demarcation of their respective properties from the documents available the DISCOM can release connections on the undisputed portions falling in their share, as per the High Court Orders, pending further resolution of the matter, if required.

For deficiency of service a total compensation of Rs.5,000/- is to be paid by the DISCOM to the Appellant, for both cases.


(PRADEEP SINGH)
OMBUDSMAN

27th November, 2012

