

(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 against the Order dated 23.07.2012 passed by CGRF-BRPL in CG.No. 438/2011.

Shri R. K. Jain - Appellant

M/s BSES Rajdhani Power Ltd. - Respondent

Appellant: Shri R. K. Jain was attended in person

Date of Hearing: 04.12.2012

Date of Order : 14.12.2012

ORDER NO. OMBUDSMAN/2012/512

This appeal has been preferred by Shri R. K. Jain, the complainant, against the order of the CGRF-BRPL dated 23.07.2012 in which the CGRF has declined to accept his contention of 02.09.2011 that electricity connections bearing K. No. 2640T6340238 and K. No. 2640T6340254, installed in 2003/2004, which are in the name of his brother be disconnected by the Discom. He alleged that above connections were installed without obtaining any NOC from him.

The Discom had opposed his complaint before the CGRF stating that he had earlier moved the Permanent Lok Adalat (PLA) regarding this which dismissed his plea in 2003 and now after 8 years he is again disputing it.

The CGRF has declined to accept his contention on the ground that a civil case bearing no. 562/2002 is already pending before the ADJ regarding the premises in which the above connections are installed.

Both the parties were heard and they reasserted their contentions. During the arguments the complainant also raised a new point that he has filed a review petition before the PLA in which he claimed he was given liberty to file his case regarding installation of these electricity connections before the appropriate forum/ court. He has not, however, filed a copy of this order.

The present complaint has been filed 8 years after the connections were installed; the matter was litigated in the PLA once and a case to decide the rights over the property is pending in Civil Court. In this background and the fact that under clause 7(3) of the CGRF Regulation, 2003, the jurisdiction of the CGRF is expressly barred where a case is pending before any other court or forum, the CGRF has rightly declined to intervene. No prejudice will be caused to the complainant if the connections continue in the name of his brother till the Civil Court decides the issue.

I do not find any infirmity in the impugned order of the CGRF. The appeal is dismissed.


(Pradeep Singh)
Ombudsman

14/12 December, 2012