

## **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/2013/552**

Appeal against the Order dated 17.01.2013 passed by CGRF–BYPL in Complaint No. 235/10/12.

In the matter of **Appeal of Shri Ram Kumar Gupta against the CGRF-BYPL Order dated 17.01.2013 in Complaint No. 235/10/12.** **Appellant**

Versus

**M/s BSES Yamuna Power Ltd.** **Respondent**

#### **Present:-**

**Appellant: Shri Rakesh Kumar Gupta, Son of the Appellant**

**Respondent: Shri R.S. Bisht, Nodal Officer attended on behalf of the BYPL**

**Date of hearing: 10.04.2013**

**Date of order : 16.04.2013**

### **ORDER NO. OMBUDSMAN/2013/552**

This is an appeal against an order of the CGRF-BRPL dated 17.01.2013, in which the CGRF took the view they had no jurisdiction as Civil litigation regarding the premises was pending.

The complainant's grievance is that as owner of property no. 2527-2538, Tiraha Behram Khan, Darya Ganj, Delhi and on 29.06.2012, 20.06.2012 & 22.08.2012 he wrote letters to the respondent company that Mr. Raisul Rehman is an illegal occupant of his property and has got an illegal electricity connection installed vide CA No. 100240340. He had not issued any NOC for grant of this electricity connection as Mr. Raisul Rehman is neither the owner nor the tenant of the said property and, hence, the connection should be terminated.

He requested the Forum to direct the respondent company to disconnect the electricity connection of the illegal occupant at the earliest. He stated he would not be liable to pay any dues or charges on account of this.

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A hearing was held on 10.04.2013. Appellant argues the property in question is ancestral in nature and was given by his forefathers to a person who in turn sublet it to Shri Raisur Rahman. His contention is Shri Raisur Rahman now needs his NOC failing which his electric connection must be withdrawn.

Since the electric connection dates to 1998 and Shri Ram Kumar Gupta has only now come on the scene and is also reportedly engaged in litigation in a Civil Court, the CGRF has correctly declined to intervene, as it cannot decide the Civil rights of parties.

I agree with this and find no appeal can succeed. NOC cannot be made an requirement, post issue of a connection, that too after 15 years. On completion of the Civil Court case, if he is a party therein, and if it goes in his favour, he can approach the Discom for the resultant action. Case Closed.

  
(PRADEEP SINGH)  
OMBUDSMAN

16th April 2013