

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/2013/584

Appeal against the Order dated 29.08.2013 passed by CGRF-BRPL in CG.No.558/2013.

In the matter of:

Shri Parvesh Chawla - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant : Shri Parvesh Chawla was present in person.

Respondent : Nil

Date of Hearing: 29.10.2013

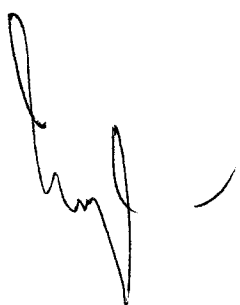
Date of Order : 12.11.2013

ORDER NO. OMBUDSMAN/2013/584

Shri Parvesh Chawla, r/o B-27A, Gangotri Enclave, Kalkaji Alaknanda, New Delhi-110019, filed a representation before the Ombudsman on 08.10.2013 against the order of the CGRF-BRPL dated 29.08.2013, stating he is not satisfied with the order. His case is that the third floor of the house at J2/82 B, Janta DDA Flats,

Kalkaji, New Delhi – 110019, of which he claims to be the owner, has been occupied by one Shri Shiv Chawla without his consent, and he had gone to the CGRF-BRPL to have the electricity extended to Shri Shiv Chawla disconnected.

The CGRF-BRPL closed the case by the above order saying that this is a family dispute and should be decided by the Civil Court. The Secretary of the CGRF-BRPL was asked to appear in order to explain the contents of the order in which the sequence of the events are not clearly indicated. It appears that the matter was heard by the CGRF-BRPL in 2011 also and an order No.CG-547/2011/F1/23 dated 22.12.2011 was passed directing the BRPL (DISCOM) not to disconnect the supply (which the complainant in the present case is seeking to have disconnected) relating to the third floor of the above premises occupied by one Shri Shiv Chawla. Having heard the case in 2011 and directed the DISCOM not to disconnect the supply, the CGRF now records in the current case that it wants the DISCOM to explain how the connection of the second and third floor were given when it is an unauthorized



construction and also records having asked the DISCOM to explain. The CGRF seems not to have consulted the earlier records.

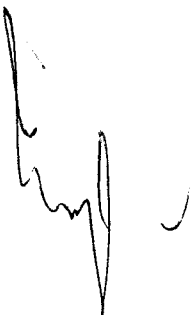
The order indicates that the first floor is personally in the name of one Ms. Gurmain Singh, a person who does not figure in any paper available in the record and appears to be a stranger to the case prior to the 29.08.2013 order of the CGRF. It recorded that Shri Parvesh Chawla, the complainant, is also staying on the first floor. The relationship between Ms. Gurmain Singh and Shri Parvesh Chawla is not explained in the order. The order ends by saying that the respondent DISCOM was directed to make an inspection of the premises and submit a full report and yet the case was closed without awaiting this report. The CGRF, meanwhile, concludes that this is a family dispute, which should be decided by a Civil Court. No foundation is laid, at any stage, regarding the details of the alleged family dispute but the case is closed on this basis.

Now, Shri Parvesh Chawla has approached the Ombudsman's office that he is not satisfied with this order, and the issue before this court was whether to take this case for hearing. The matter was taken up with the complainant.

The matter should not, ordinarily, be admitted as an appeal and should be returned to the CGRF-BRPL as by their own record this issue has been twice heard by them, once in 2011 and once again in 2013. On both the occasions it appears the CGRF-BRPL seems to have concluded that this is a matter for a Civil Court. The matter ideally requires to be re-heard in detail and a clear-cut order passed detailing the full facts giving justification of reaching the conclusion that this is a family dispute to be decided by the Civil Court. It appears that the CGRF-BRPL is still awaiting the full report sought from the DISCOM at the time of passing the order which should have been taken into account and a proper reasoned order should have been passed.

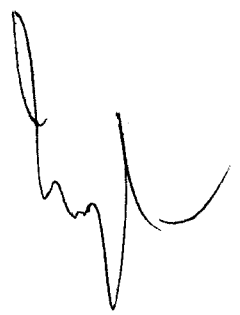
However, in order not to delay matters, the case is not returned to the CGRF but the following orders are passed:

1. The complainant admits that one Shri Shiv Chawla is in 'unauthorized' occupation of the third floor of the building without his consent. This gives an indication that the matter may require to be resolved through the Civil Court.



2. However, the removal of an electricity connection could not, ordinarily, be resorted to while resolving the respective property rights of two persons. Instead the physical electricity connection will continue but the trespasser may get evicted, if so ordered by the Civil Court, with the successor-in-interest becoming able to have the physical connection put into use in his own name. This would be the case even if the physical connection had been obtained on incorrect documents as it could now be regularized on submission of the proper documents rather than being disconnected or physically removed.
3. Physical disconnection of electricity is usually resorted to only when the dues related to that connection are not paid as per the Regulations laid-down and not in cases where civil disputes/occupation disputes are involved.

Thus the request of the complainant for physical disconnection of electricity from the 3rd floor is not a valid request.



With these orders the case is closed.

The CGRF should ensure that the above observations are noted and proper reasoned orders should be passed in other similar cases.



(PRADEEP SINGH)
Ombudsman

12th November, 2013

