

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

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Appeal No. 60/2024

(Against the CGRF-BRPL's order dated 22.11.2024 in CG No. 77/2024)

IN THE MATTER OF

Shri Devendra Singh

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Devendra Singh, in person along with Advocate,
Shri Bahar Bargi

Respondent: Shri Sudarshan Bhattacharjee, Senior Manger, Shri B.
Bhaskar, AM (PS) and Shri Shreyek, Advocate, on behalf of
BRPL

Date of Hearing: 02.04.2025

Date of Order: 03.04.2025

ORDER

1. Appeal No. 60/2024 has been filed by Shri Devendra Singh, R/o K-556, Second Floor, Khasra No. 556, Ghalib Road, Basti Dargah, Hazrat Mizamuddin, New Delhi - 110013, through Advocate Bahar U Barqi, against the Consumer Grievance Redressal Forum – Rajdhani Power Limited (CGRF-BRPL)'s order dated 22.11.2024 passed in CG No. 77/2024.

2. The background of the case is that the Appellant had applied for new connection vide Application No. ONNZD2411232112 on 24.11.2023, which was rejected by the Discom vide its intimation letter dated 29.11.2023. The reasons for the rejection were mentioned as (i) outstanding dues against the applied premises, (ii) the requirement to install ELCB, (iii) to submit 'NOC' or 'BCC' from MCD, (iv) original wiring test report, and (v) the necessary documents for a separate dwelling unit.



Consequently, the Appellant approached the Forum and stated that even though he had removed/cleared all discrepancies, the Discom has not yet released the connection. Instead, he received a letter dated 29.12.2023 informing that his application remains pending due to certain discrepancies, viz; (i) the MCD de-sealing document submitted has been sent to the MCD for verification, and (ii) the dwelling unit has not been verified.

The Appellant further submitted that he was aggrieved by the unlawful demands of gratification made by the officials from the Discom, and, therefore, lodged an FIR No. 17/2023 with the Police Station under the Prevention of Corruption Act. The Appellant contended that the Discom had discriminated in releasing the electricity connection, citing outstanding dues pending against certain meters. However, the fact is that there are approx. 150 residential premises located in Khasra No. 556, and the Appellant has never applied for an electricity meter. Therefore, he does not have any meter nor does he have any outstanding dues. These objections raised were for malafide reason, on account of non-payment of the demanded illegal gratification for installation of the electricity connection from him. A police raid conducted by the team of Anti Corruption Department resulted in the arrest of an officer of the Discom, namely, Shri Devesh Sharma, who was found in possession of Rs.50,000/-. Furthermore, the Appellant's premises cannot be treated as unauthorized building, as the same is being protected by way of Gazette Notification issued by the Govt. of NCT of Delhi (Amended Act) 2023, which is giving protection against of any demolitions undertaken till **31.12.2023**. Furthermore, the Discom has released electricity connections to the various building. The Appellant also filed a WP(C) 2585/2024 before the High Court of Delhi, which was dismissed on 24.07.2024 after the petitioner's counsel made a request, to approach the CGRF-BRPL in terms of Section 42(5) of the Electricity Act, 2003. The Appellant has requested the Forum to direct the Discom to install the electricity connection at the premises applied for and also reimburse cost of litigation.

3. In rebuttal, the Discom stated that at the time of applying for electricity connection, the Appellant claimed ownership of the premises, but failed to provide any ownership document. Thereafter a site inspection was carried out on 28.11.2023, by the concerned department, during which photographs were taken. A copy of site visit report and photographs were provided to the Forum. The Site Inspection Report noted that inter alia no dwelling unit was found, and the photographs clearly showed that the front portion of the premises/building for which the connection was requested, had been entirely/completely demolished by the MCD. Also, the Discom had received a letter dated 30.10.2017 from the SDMC regarding disconnection of electricity and water at the premises, in question. Therefore, the claim of the Appellant that the premises, in question had been de-sealed vide order dated 05.07.2017 and 31.08.2021 is of no consequence. Accordingly, no new electricity connections can be released for the premises/building.



Furthermore, the Discom submitted that after perusing the Orders dated 31.08.2021 and 25.10.2021 of the Appellate Tribunal MCD and the Assistant Engineer (SDMC), respectively, which stated that the status quo shall be maintained in the property during the de-sealed period and other provisions as contained in Delhi Laws (Special Provisions) Second (Amended) Ordinance, 2020, shall also be strictly adhered to. Accordingly, a new deficiency letter was issued to the Appellant on 09.12.2023. Moreover, in order to facilitate the Appellant, the Discom has sent several letters to MCD for clarification, viz; on 15.12.2023, 28.12.2023 and 29.01.2024, but no response has been received till now. It is also relevant to mention that the Appellant has the liberty to obtain 'NOC' from the MCD, which would suffice in this matter. The allegation regarding corrupt practices by certain individuals working for the Discom's vendor appears to have been added just to create a negative perception of the Discom, and has nothing to do with the merits of the matter. Regarding reference to certain electricity connections which have been allegedly provided in unauthorized structure, it is to mention that these connections were all energized prior to the 2017, i.e. when the High Court of Delhi directed that connections were not to be released in building having unauthorized construction. The Discom further submitted that the ownership of the entire Khasra No. 556 is under dispute due to simultaneous claims by the Waqf Board and the Delhi Development Authority. As a consequence, a CBI investigation has been ordered by the High Court of Delhi. As directed by the Forum, the Discom carried out a Joint Site Visit on 07.10.2024 and found that two meters exist at site and building in question consists of Ground+ First + Second + Third Floor. One unit was found in front side and one room was found locked, even after request by the officials of the Discom, access to the same was not given by the Appellant.

4. The CGRF-BRPL's in its order dated 22.11.2024 considered that the applied premises was booked by the MCD on 09.10.2017, due to unauthorized construction on the ground, first and second floor and the booking is effective till date. During the joint site visit on 07.10.2024, the access to the locked room was not given to the Discom's officials. The photographs and video of the applied premises also confirmed that the demolished front wall was constructed, and covered by a hoarding which was visible from the corner of the building. There is an ongoing ownership dispute regarding Khasra No. 556, and the High Court of Delhi has transferred the investigation of the FIR registered by the local Police to CBI. Consequently, the Forum declined to direct the Discom to release the new connection applied for by the complainant, Shri Devendra Singh.

5. Aggrieved by the CGRF-BRPL's order dated 22.11.2024, the Appellant filed this appeal, reiterating his submissions and requests before the Forum. In addition, the Appellant asserted that a number of electricity connections had been provided to the residents in the vicinity, with authorized/unauthorized constructions or even encroached land of the government. To substantiate his claim, photographs were submitted along



with the appeal. Further, the Forum had wrongly considered the observations of the High Court of Delhi regarding ownership dispute at Khasra No. 556.

6. The Discom, in its written submission dated 20.01.2025, restated the facts as submitted to the Forum. In addition, the Discom submitted that the contention of the Appellant that his premises is not unauthorized and protected by a Notification of the Delhi Government. The premises for which the electricity connection has been requested have been punctured and demolished from the front portion by the civic agency as being an unauthorized construction. This damaged wall is covered by hoarding to conceal it during the site visit and access to the premises is limited/restricted with one room locked to prevent visibility of the wall from inside the premises. Further, the videography submitted also reveals a commercial undertaking on the floor, i.e. a guest house with a number of rooms, is being run from the back portion of the concerned building, making it abundantly clear that the purpose for the electricity connection is for a commercial use, while the applied connection is for domestic use. To substantiate its claim, the Discom has submitted relevant site photographs and video, as evidence, which have been taken on record. Nevertheless, to facilitate the Appellant, the Discom sent another letter on 08.10.2024 to MCD for seeking clarification on the matter, but has not received any response till now.

7. The appeal was admitted and fixed for hearing on 02.04.2025. During the hearing, both the parties were present along with their representatives/advocates. An opportunity was given to both to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

8. During the hearing, the Advocate reiterated the Appellant's contentions as mentioned in the appeal. Advocate invited attention to the MCD booking during 2017 as well as de-sealing order dated 31.08.2021 in his favour. There was no ownership dispute viz-a-viz the Appellant and as per the settled law, electricity was a basic right. However, the Appellant was assertive that any puncture on the premises, as alleged, was on the third floor and did not pertain to the applied second floor. Moreover, on visit to the MCD office with respect to the objection, he was informed through written communication by MCD that no action has been taken against the premises, in question.

9. In rebuttal, the Advocate of the Respondent, in his submissions mentioned that the de-sealing order dated 31.08.2021 referred by the Appellant pertained to the third floor of the building but the applied premises was on the second floor. There was no dispute that after MCD puncturing of the premises hoarding/clothes was hanging for hiding the premises. During the site visits of applied premises, one room was found locked and not made available for inspection. While referring to the matter pending before the High Court of Delhi, it was mentioned that there was an ownership dispute amongst the DDA & Waqf Board and the High Court has taken cognizance of rampant



unauthorized constructions in the area as some parties had taken recourse of selling of portions of the Khasra No.556, illegally. In the case of the Appellant, no complete ownership documents were submitted at any stage before the Discom or before the CGRF, and for the first time some documents have been submitted including possession letter, affidavit and unregistered gift deed by the wife of the Appellant etc. However, in respect of the various communications sent to the MCD on the bookings, no response has yet been received. Accordingly, the averments made by the Appellant were incorrect since the second floor itself has been punctured by the MCD, as reflected in the photographs and video submitted by the Discom for consideration.

10. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (a) The Delhi High Court in its order dated 20.02.2024 in WP(C) 638/2024, observed that there was a ownership dispute of entire Khasra 556, besides rampart unauthorized construction and directed a CBI enquiry into the criminal case registered.
- (b) Before the Discom as well as the CGRF-BRPL, the Appellant did not produce any ownership documents. Only with appeal, a deed of gift in his name by his wife, GPA, Will, Affidavit and Possession letter, all dated 25.10.2023 have been annexed.
- (c) The premises was booked by MCD on 09.10.2017 and 'NOC' from MCD has not yet been issued, despite follow up by the Discom. Last communication was sent on 09.10.2024.
- (d) The Appellant has placed reliance upon Appellate Tribunal of MCD's orders dated 31.08.2021 and 25.10.2021 to contend de-sealing, however, the orders only require status quo to be maintained. Discom has also invited attention to the issue considered by MCD Tribunal relating to third floor only.
- (e) Discom has relied upon ruling by Delhi High Court against release of connection on unauthorized constructions. The order dated 20.12.2017 in Parivartan Case has also been followed by the High Court in its order dated 11.12.2023 in WP(C) 7619/2023. The aspect of review of the other existing connections in Khasra No. 556, need consideration
- (f) Writ Petition WP(C) 638/2024, CM Appl 2793-2794, CM Appl 6077/2024, CM Appl10223/2024 – Jamia Arabia Nizamia Welfare Education Society vs DDA, regarding illegal and unauthorized construction taking place at Khasra No. 556, Ziyarat Guest House, West Nizamuddin, near centrally protected monuments, was filed in High Court of Delhi. In the High Court




Delhi, Delhi Development Authority, Archeology Survey of India, Municipal Corporation of Delhi, Waqf Board and Delhi Police were made party. Police registered a FIR in the matter. Counsel for DDA & MCD stated in the Court that land in question has been fully demolished. The High Court vide its order dated 20.02.2024, in which Waqf Board averred the ownership of disputed land, while DDA disputed the same, directed to transfer the case of investigation of said FIR to the Central Bureau of Investigation.

11. In the light of the above, this court directs as under:

- (i) The appeal is dismissed as devoid of merit, and the order passed by CGRF is upheld. For release of the requisite connection, a NOC from MCD in favour of applied portion of the building should be obtained by the Appellant along with ownership documents with complete chain.
- (ii) A review be undertaken by a Committee constituted by CEO to ascertain the circumstances under which the electricity connections were provided in Khasra No. 556, Nizamuddin West, which is claimed by Waqf, DDA to be their land or the claim of the Archeology Survey of India that no construction could be undertaken in the vicinity of protected monuments. The result of review by the Committee also be shared with this office.
- (iii) The above Committee may also recommend appropriate action against the connections released to unauthorized structures/buildings, prior to December, 2017, in the light of judgment by the Delhi High Court in 'Parivartan' case.

12. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
03.04.2025