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/2014/615

Appeal against the Order dated 06.09.2013 passed by CGRF–BRPL in CG.No.201/2012.

In the matter of:

Shri P. K. Mathur - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent No.1
Shri Jatinder Nath - Respondent No.2

Present:-

Appellant: Shri Shohit Chaudhry, advocate, alongwith Shri Rakesh Mathur, attended on behalf of the appellant, Shri P. K. Mathur.

Respondent: Shri Athar Jawed (Div. Chief – Saket), Shri M.D. Jai Prakash (DGM (B) – Saket) & Shri Prashant Saxena (Nodal Officer), attended on behalf of the BRPL.

Shri Jatinder Nath was present in person

Date of Hearing: 04.07.2014, 13.08.2014

Date of Order : 05.09.2014

ORDER NO. OMBUDSMAN/2014/615

This is an appeal filed by Shri P. K. Mathur, G-13, Ground Floor (Front Portion), Saket, New Delhi-110017, against the order of Consumer Grievance Redressal Forum – BSES Rajdhani Power Ltd. (CGRF-BRPL) dated 06.09.2013 in which the request of one Shri Jatinder Nath, to remove his name from the electricity connection and insert that of Shri Jatinder Nath was accepted.

This case before the CGRF had been filed by one Shri Jatinder Nath stating that the electricity connection bearing CA No.102270620 was originally installed in his name in the year 1991 but later on Shri P. K. Mathur got it changed to his name in 2000 without fulfilling the requisite formalities. Based upon this wrong name of Shri P. K. Mathur being inserted he sought a revision to his own, original, name.

The DISCOM in its reply before the CGRF stated that the name change had taken place in the year 2000, by the erstwhile DVB/DESU, and there is some litigation between the parties in Civil Court. The matter is, therefore, subjudice.

The CGRF after recording numerous facts right from MCD first sealing, and later de-sealing, the property etc. ordered the restoration of the name of Shri Jatinder Nath, holding that the transfer that took place in the year 2000 was without proper documentation. It also ordered that Shri P.K. Mathur be made a party in the case.

Being aggrieved with this order of the CGRF Shri P. K. Mathur preferred this appeal stating that he had followed all the proper procedures for getting the name of the electricity connection changed. It was Shri Jatinder Nath who was sleeping over the matter since the time the change took place 11 years ago.

The DISCOM and Shri Jatinder Nath opposed the appeal stating that as per Clause 7 (3) of the Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman) Regulations, 2003, the complaint can be made within 3 months of the dispute arising. But the present complaint before the CGRF was said to have been made only in 2012, after 11 years. Further, there is one civil suit bearing No.532/2013 pending between Shri Jatinder Nath and M/s. Chopra Land Devloper Ltd., who is said to have developed the property.

Hearing was fixed on 11.06.2014 and postponed to 04.07.2014 at Shri P. K. Mathur's request. Both the parties were heard on 04.07.2014 and documents perused. At the request of Shri Jatinder Nath another hearing was held on 13.08.2014 and he was given time till 19.08.2014 to file a written reply.

In the written reply filed the focus is on the status of the property and its various disputes which is not strictly relevant from the point of view of supply of electricity. It is not denied that Shri P. K. Mathur is residing in the premises and is paying for the electricity consumed. Whether the insertion of his name against the electricity connection by DVB in 2000 was correct or not, Shri Jatinder Nath had objected in 2001 but no action was taken by DVB or later by the DISCOM.

The CGRF has now determined by examining the matter at length that the name of Shri Jatinder Nath should be restored. Whatever the merits of the arguments against restoring Shri Jatinder Nath's name by the CGRF, the order of the CGRF is not interfered with as the final position vis-à-vis the premises is concerned will only be known once the case(s) in civil court reach a conclusion.

For the present, it is noted that Shri P. K. Mathur is in physical possession of the property in question and, therefore, the supply of electricity to him should not be interrupted by Shri Jatinder Nath or the DISCOM. It is hereby ordered that:

i) The DISCOM shall ensure that copies of the bills for the premises are also delivered to Shri P. K. Mathur on a timely basis for making payments.

ii) In case payments are not forthcoming from Shri P. K. Mathur, the DISCOM shall check that bills are being made available. In case of continuing non-payment sufficient notice be given to him, with adequate hearing, before any disconnection, to avoid inconvenience due to the civil litigation between the two parties.

iii) Shri P. K. Mathur shall not accrue any right or equity on the basis of the above payments, unless so ordered by a Civil Court.

The appeal is dismissed with the above orders.

(PRADEEP SINGH)
Ombudsman

5th **September, 2014**