

Office of the Electricity Ombudsman

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

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Appeal No. F. ELECT/Ombudsman/2015/634

Appeal against the Order dated 02.06.2014 passed by the
CGRF-TPDDL in CG.No.5838/04/14/SMB.

In the matter of:

Shri Jai Prakash Tyagi

- Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Jai Prakash Tyagi was present alongwith
advocate Shri Pravesh Tyagi.

Respondent: Shri Vivek, Sr. Manager (Legal), Shri Anirudh Sinha
(Executive), attended on behalf of the TPDDL.

Date of Hearing : 24.09.2014, 14.10.2014, 23.12.2014, 25.03.2015

Date of Order : 13.07.2015

ORDER NO. OMBUDSMAN/2015/634

This is an appeal filed by Shri Jai Prakash Tyagi, S/o Late Shri Ravi
Dutt Tyagi, R/o V.P.O. Wazirabad, Delhi, against the Consumer
Grievance Redressal Forum – Tata Power Delhi Distribution Limited
(CGRF – TPDDL) order dated 02.06.2014, dismissing his request for
removal of an electricity meter installed at his premises bearing Khasra
No.16, Gali No.2, Sangam Vihar, Village Wazirabad, Delhi, in the name of
one Shri Fahimudeen S/o Mohd. Saddiq, allegedly based on fake
documents. The CGRF had refused to intervene in the matter on the

ground that the issue is one of property dispute and is pending in the Sub Divisional Magistrate (SDM), Civil Court and, hence, had closed the case.

During the hearing held on 24.09.2014 it emerged that the property had changed hands a number of times within a few days. One Shri Fahimudeen S/o Mohd. Saddiq purchased the property on 12.12.2013 from one Shri Sarfaraz Ahmed S/o Shri Wahzuddn and sold it to one Ms. Sangeeta on the very next day. In the meanwhile, the electricity connection applied for to the TPDDL, had been installed in the name of one Shri Fehimudeen at the above address which was objected to by the appellant herein claiming that this was his property and his premises and he had not sought a connection.

In the above hearing, both the parties wanted 15 days time to resolve the issue of misidentification of the property, if any. The matter was postponed to 14.10.2014 and in the hearing on that date, the DISCOM did not file a proper reply. No effort seemed to have been made to visit the site jointly to resolve the issue of misidentification of property raised in the last hearing so that it could have been looked into and a final view taken. Both the parties were again directed to do a joint site visit and submit detailed written arguments to enable orders to be passed. Subsequent to this, the reply filed by the DISCOM on 30.10.2014 was not satisfactory and further hearing was fixed on 23.12.2014 on which date it was noted that the DISCOM has yet to conclusively show that they have correctly identified the property. They were directed to take the assistance of the Revenue department, if required. This was in the light of the fact that it is the duty of the DISCOM to be aware of the exact identity of the property before installing an electricity connection.

Another reply submitted by the DISCOM dated 14.02.2015 merely enclosed an original copy of Khatoni (land record) of the concerned Khasra No.16 provided by the Revenue department but no conclusive reply was given as to whether it pertains to the same property where the connection was installed.


The DISCOM was asked to clarify in writing how the documents submitted show that the connection has been installed at the correct site. Further, the need for a joint site inspection, alongwith Revenue authorities, was again reiterated so that a final picture can be arrived at once and for all. In the meanwhile, the DISCOM informed us that the electricity connection has been disconnected on 26.02.2015. The complainant was informed and another hearing was held on 25.03.2015 with the DISCOM again being asked to clarify whether the meter was installed at the correct place or not by 25.04.2015. The DISCOM sought further extension of two weeks followed by another extension of two weeks and yet another extension of one more week in June, 2015. A final report was to be given by 07.07.2015. The report submitted on this date states that the Tehsildar (Civil Lines) has informed the DISCOM that the demarcation was not manually possible due to the heavily built up area at the site and this would have to be done through 'Total Station Method' at a cost of Rs.17,000/- per day for which a further four weeks' time was sought.

It is seen that the main point raised by the appellant in this case, that the connection had been installed at the wrong location has been borne out by the subsequent reports. The DISCOM has also disconnected the electricity connection on 26.02.2015. They are till date

not in a position to finally identify the property (through the revenue records) at which the connection was to be installed. Thus the appeal is borne out and accepted inasmuch as the DISCOM appears to have installed the connection without finality of location being available. Hence, the order of the CGRF declining to intervene in the matter on the ground of property dispute is set-aside.

Since the entire process has taken almost one year from the time that the appeal was filed, it is clear that the DISCOM had erred in releasing the electricity connection before correctly identifying the property in question. Since the appellant had to undergo difficulties in approaching this forum as well as in finalizing petitions before the CGRF, for the purpose, he needs to be compensated with an amount of Rs.15,000/- which may be paid to him separately and the matter closed.

The DISCOM is free to carry out any further exercise required for identifying the correct property in case the application for release of electric connection is still pending. This would be with the help of concerned Revenue authorities who are to be involved in this issue. However, this connection should be released after the above due diligence to avoid further legal proceedings either in the CGRF or before this forum. In future, in such cases, the assistance of Revenue authorities should be sought in advance so that no confusion arises.


(PRADEEP SINGH)
Ombudsman

12th July, 2015