

## **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/2014/659**

Appeal against the Order dated 11.08.2014 passed by CGRF–  
BRPL in CG.No.187/2014.

In the matter of:

Shri Krishan Sharma - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant: Shri Krishan Sharma was present in person.

Respondent: Shri A. R. Ansari, DGM (B) NHP and Shri Ranjeet  
Kumar (Legal Retainer) attended on behalf of the BRPL.

Date of Hearing : 16.12.2014

Date of Order : 22.12.2014

### **ORDER NO. OMBUDSMAN/2014/659**

This is an appeal filed by Shri Krishan Sharma, S/o Shri  
Buddhan Sharma, R/o H-60, Harkesh Nagar, New Delhi – 110020,  
against the order of the CGRF dated 11.08.2014 turning down his  
request for removal of electricity connection given to his brother Shri  
Shakti Sharma on 11.07.2012. The CGRF observed that Shri Shakti  
Sharma, brother of the appellant, was living in the property for a long  
time and the connection had been granted in 2012 about 2 years ago.  
They observed that there appears to be a property dispute between

the brothers for which the appellant will have to go to the appropriate court and hence his plea for disconnection was not accepted.

In the hearing held on 16.12.2014, the only point brought forward by the complainant to controvert the decision of the CGRF was that his plea to rectify the wrong committed by the DISCOM in issuing a connection on wrong documents was turned down by the CGRF when this should not have been the case. He felt that his views have not been heard properly and that the CGRF made a mistake.

It is seen that Shri Shakti Sharma, brother of the appellant, was admittedly residing in the premises for a number of years since atleast 2007 and he had got a separate connection released in 2012. The DISCOM was unable to explain the need for releasing a separate connection when electricity supply was already available in the premises occupied by Shri Shakti Sharma since 2007. The trigger for the release of the new connection has not been brought out by the DISCOM (BRPL) in its reply. It was earlier noted in another case viz. Shri J. K. Sharma vs. M/s BSES Rajdhani Power Ltd. that the DISCOM had released new connections where electricity supply already existed. It was not the case that the particular floor or property was newly purchased, or newly inherited, and hence somebody wanted a separate connection. As had been pointed out in the above case, even had sale or inheritance taken place, the issue would be one of change of name of the existing connection rather than release of a new connection. There is an impression among the

consumers that release of a connection in a specific name confers some legal advantages on the person obtaining that connection and this belief has, of late, led to a number of cases being filed with the CGRF especially by members of the same family, against each other which the CGRF has been rejecting and not hearing on the ground of being property disputes. The real issues in such cases are:

1. Release of a new connection in premises already having electricity supply through an existing connection which is often physically removed while releasing the new connection.
2. Non-involvement of the other occupants of the building/property in a formal manner whenever such requests are received or agreed to.

The DISCOM needs to examine why it is necessary to release a new connection in any location/property when electricity supply already exists. If good reasons for release of a new connection are found to exist, there needs to be intimation to the other occupants of the same property specially if, during inspection, it comes to notice of the DISCOM that there are other members of the same family and there is likelihood of cross litigation. Removal of an earlier connection and meter merely to install another connection and meter gives the impression that property's rights are being recognized on a specific part of an overall property and this can trigger unwarranted litigation. Further, even if for some justified reasons, a new connection is to be released, it may be necessary to issue a written order specifying that

this does not confer any property rights upon the persons receiving the connection to avoid giving rise to litigation.

In the present case, the occupation of Shri Shakti Sharma since 2007 having been acknowledged by the appellant himself there is no reason to order disconnection. The appellant has been apprised that this does not confer any legal rights on his brother Shri Shakti Sharma and hence the appeal is not accepted.

The DISCOM, however, has to take a view on the above issues and to apprise this office within 21 days through the CEO, BRPL, of the procedure to be followed in future in similar cases whenever received.

  
(PRADEEP SINGH)  
Ombudsman

2nd December, 2014

**Office of the Electricity Ombudsman**  
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(Phone No.: 32506011, Fax No.26141205)

**Appeal No. F. ELECT/Ombudsman/2014/665**

Appeal against the Order dated 20.08.2014 passed by CGRF–  
BRPL in CG.No.295 + 331/2014.

In the matter of:

Shri J. K. Sharma - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent No.1

Smt. Pushpa Sharma - Respondent No.2

Present:-

Appellant: Shri J. K. Sharma was present alongwith advocate Shri Mukesh Rana.

Respondent: Shri Prashant Saxena (Nodal Officer), Shri Praveen Singh, Business Manager (NZM) & Shri Gaurav Bajaj, A.M. (PS), attended on behalf of the BRPL.

Shri Vivek Sharma, son of Smt. Pushpa Sharma attended on her behalf.

Date of Hearing : 09.12.2014

Date of Order : 11.12.2014

**ORDER NO. OMBUDSMAN/2014/665**

This is an appeal filed by Shri J. K. Sharma, R/o C-124, Third Floor, Lajpat Nagar – 2, Delhi – 110024, against the order of the Consumer Grievance Redressal Forum (CGRF) dated 20.08.2014, dismissing his request for removal of a connection released to one Smt. Pushpa Sharma on the first

floor of the above premises 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, hence, closed the case.

In his appeal, the complainant raised the same arguments made before the CGRF that the connection earlier supplying electricity to the first floor was removed/disconnected and a new connection in the name of Smt. Pushpa Sharma given on the basis of an affidavit/fake documents claiming that she is legal heir of the first floor of the said address.

During the hearing, the complainant admitted that Smt. Pushpa Sharma is living in the first floor of the above address since 1993 and was receiving electricity through a different meter. He has no objection regarding her receiving electricity but he objects that a separate connection was released to her. The first floor, according to him, is the common property of all sons and daughters and the occupier cannot claim to be a sole owner before the DISCOM and obtain a separate connection. The DISCOM was asked why in 2009 a separate connection was released when the inspection must have revealed that supply of electricity is available in that floor. Ordinarily, only when a property changes hands, or is inherited through proper a legal process, would the question of a new connection arise. Even then only a name change and not release of a new connection may be involved. This was not the case here. On being asked the representative of Smt. Pushpa Sharma said that the entire matter was precipitated due to the meter from which electricity was being supplied to the first floor getting burnt and the other members of the family living on the ground floor refusing to take action to correct matters. On being asked why they had not approached the CGRF or the DISCOM at that time with the relevant complaint of non co-operation by their relatives living in the ground floor, there was no satisfactory reply given.

From the facts available, it can be seen that there was no real need to issue a new connection in 2009. The only need was to ensure the continued satisfactory functioning of the existing connection from where electricity was being supplied to the first floor to Smt. Pushpa Sharma. The DISCOM needs to investigate why a new connection was released when there was no real requirement for this in 2009. A detailed report on this specific point should be submitted to this office within 21 days through the CEO-BRPL.

The remaining question is whether it is now necessary to disconnect the connection made available to Smt. Pushpa Sharma and restore the status quo ante. It appears that the existence of the connection in her name is not causing any civil/legal jeopardy to Shri J. K. Sharma and the remaining occupants of the house. It is only ensuring that in case of any future damage to the meter, or any other problem, the personal dispute between the various family members will not come in the way of electricity supply. Hence, I am not inclined to intervene and restore the status quo ante. However, the DISCOM shall issue a letter to Shri J. K. Sharma that the release of this connection in 2009 is without any legal consequences regarding ownership of the first floor. In case there is any future dispute among the members of the family, the matter will need to be resolved in civil court and the position intimated to the DISCOM for appropriate action.

While recognising that at this stage there is no need to revert to the status quo ante, it is also seen that Shri J. K. Sharma had to approach the CGRF as well as the Ombudsman to rectify matters caused by the release of a new connection which need not have been released at all in 2009. It is, therefore, ordered that Shri J. K. Sharma shall be compensated through his own electricity bill of the ground floor, an amount of Rs.5,000/- to compensate him for the expenses incurred. In future, the DISCOM should refrain from

issuing new connections where electricity supply already exists as even in cases of sale of property or inheritance all that is required is to change the name of the existing connection and not the release of a fresh connection.

The CGRF should note that the issue is not one of property dispute, per se. The complainant had raised a point regarding issue of a new connection based on documents not strictly accurate. The other members of the family were not intimated/consulted and came to know of the new connection only after many years had passed. They do not deny Smt. Pushpa Sharma is an occupier since many years but only question the release of a new connection based only on documents, without intimation to them and when electricity was already available on the 1<sup>st</sup> floor. This should have been looked into and a view taken by the CGRF.

With the above orders the matter is closed.

  
(PRADEEP SINGH)  
Ombudsman

11/12

December, 2014