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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/2014/665

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 1st 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