

**OFFICE OF ELECTRICITY OMBUDSMAN**

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

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

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**Appeal No. 04/2024**

(Against the CGRF-BYPL's Complaint No. 301/2023 dated 19.01.2024)

**IN THE MATTER OF**

**Shri Ashokanand**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

Appellant: Shri Ashokanand along with Shri Raghuvir Singh and Ms. Neelam Advocates

Respondent No.1: Shri Deepak Singh Verma, Sr. Manager, Smt. Ritu Gupta, Advocate, and Ms. Chhavi Rani, Legal Retainer, on behalf of BSES-BYPL

Respondent No.2: Shri Dharamveer and Shri Akash Guatam, Advocate

Date of Hearing: 18.04.2024

Date of Order: 19.04.2024

**ORDER**

1. Appeal No. 04/2024 dated 16.02.2024 has been filed by Shri Ashokanand, of 1, J-Block, Manav Bodh Satsang Ashram, Nand Nagari, Delhi – 110093, through his Counsel Shri Raghuvir Singh, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 19.01.2024 in Complaint No. 301/2023.

2. The instant case is that the Appellant had applied for a new electricity connection vide Request No. 8006347202 at the ground floor of premises situated at J-Block, Manav Bodh Satsang Asharm, Sunder Nagri, Delhi- 110093, the said Ashram is a Trust registered on 07.10.1983. The Discom rejected the application vide its 'Intimation of Deficiency in Application/Request' letter dated 16.07.2023 to remove the deficiency, i.e., ownership dispute/Court Case. The Appellant approached the CGRF-BYPL in the



capacity of Special Power of Attorney Holder, executed on 30.08.2022, in his favour by Shri Parmanand Maharaj (his brother), the founder/owner of the Ashram and who expired on 05.12.2022. The Appellant further submitted that an electricity connection bearing CA No. 101576421 was already installed at the premises in question, registered in the name of M/s Manav Bodh Satsang Ashram, with address Pandit Shri Parmanand, Block-L Corner, Sundar Nagri, Delhi-110093, which was disconnected due to non-payment of the outstanding dues. After depositing the outstanding amount, he requested the CGRF to direct the Discom to either restore the disconnected electricity connection (CA No. 101576421) or release a new connection. The Discom submitted before the CGRF that they had received two communications vide letters dated 03.09.2021 and 13.05.2022 from Shri Parmanand (now deceased) to not to sanction any new electricity connection at the subject premises due to existence of property dispute. Also, there was resistance for installation of a new electricity connection in favour of the Appellant from Shri Dharamveer Singh, hence, he was made party to the case. The CGRF took on record an authority letter dated 26.09.2023 from the Trust of Manav Bodh Satsang Ashram authorizing the Appellant to take steps for applying for an electricity connection.

3. The CGRF-BYPL, in its order dated 19.01.2024, observed that there were no documents to prove the ownership or lawful possession of the premises where the new connection is sought by the complainant. Further, the complainant has also not fulfilled the requirement for the release of a new electricity connection, as per Regulation 10 - New and Existing Connections of the DERC (Supply Code and Performance Standards), Regulations, 2017, and it, therefore, rejected the Appellant's complaint for the grant of a new connection.

4. Aggrieved from the CGRF-BYPL's order dated 19.01.2024, the Appellant preferred this appeal on the ground that he had applied for new electricity connection as a President after the demise of former President/Owner, Shri Parmanand, Maharaj (his brother). In support of his plea, the Appellant also submitted a copy of the Registered Ashram By-laws along with the appeal.

With regard to the objection of Shri Dharmveer (Respondent No. 2), the Appellant submitted that the alleged Civil Suit No. 427/2018 filed by Shri Dharamveer against the former President of the Trust, namely late Shri Parmanand for permanent injunction, stood resolved as settled on 14.07.2018 between the parties. Whereas, in spite of Shri Parmanand's letter dated 03.09.2021, the Discom (Respondent No. -1) granted a new connection in favour of Shri Dharamveer (Respondent No. 2) on 13.05.2022. However, the Discom on 17.07.2021 has disconnected the previous electricity connection bearing CA No. 101576421 installed in 2000 and registered in the name of M/s Manav Bodh Satsang Ashram, without informing Shri Parmanand. The dues were cleared on 30.01.2023. Furthermore, the Appellant also submitted his Aadhar Card, Voter, Card and



Bank Account, etc. to support his submission that he is in possession of the said premises and objected on impleading Shri Dharamveer (Respondent No. 2) before the CGRF-BYPL, as he never claimed any ownership of any property, and the fact is that he is living only in one room in the Ashram but the Forum did not mention any word with regard to civil suit.

5. And the Appellant's prayer before this Court is to set-aside the order dated 19.01.2024 passed by the CGRF-BYPL and to direct the Discom to release the new connection in his favour.

6. However, the Discom in its written submissions dated 06.03.2024 reiterated its stand as before the CGRF. It was also mentioned that the Appellant was asked to provide a new application as the old application already stood cancelled. The Appellant did not provide the details or visit office or was found present at the site.

7. In addition, the Discom submitted that they had visited the site in question several times, but the Appellant was never found at the site. Further, during the site visit on 06.12.2023, the Discom found that the Ashram was constructed only on the ground floor and has only one entrance. On the left side of the entry gate, there are four shops, and on the right side, there are three shops, wherein, one part is in the occupation of Shri Dharamveer, who has one domestic electricity connection bearing CA No. 153777773 in his name. Besides this, there are six non-domestic electricity connections in the shops. Moreover, due to only one entry and already having one domestic connection in the name of Shri Dharmveer, which is being used for the electrification of the Ashram, it is not possible to release another connection to the Appellant. However, since no deficiency letter was received by the Appellant, the Discom placed the same with their written submissions. The Discom also submitted that the new electricity connection (CA No. 153777773) was granted in favour of Shri Dharamveer on the basis of the Court's orders produced to prove his possession in respect of the part of the subject premises. With regard to the disconnection of the electricity connection (CA No. 101576421), the Discom submitted that it was disconnected on 17.07.2021 on account of pending outstanding dues, which were later cleared on 30.01.2023.

8. The appeal was admitted and taken up for the hearing on 18.04.2024. During the hearing, all the three parties were present along with their counsels. An opportunity was given to all the parties to plead their case at length.

9. During the hearing, the Advocate appearing on behalf of the Appellant reiterated his grievance about non-release of the applied connection. Further, the Advocate asserted that the Civil Suit was settled in the year 2018 and the late Shri Permanand, who was President of the Ashram at that time had already, written two letters to the Discom opposing the release of connection to Shri Dharamveer Singh (Respondent No.2). In response to a specific query about whether, as on date, there is any other case of the property dispute pending before any court, the Advocate replied that there is no other case



pending before any court. The other advocates present, representing the Discom as well as Shri Dharamveer (R. No.-2) also conceded that no property dispute is pending.

10. The Advocate appearing for Shri Dharmveer (R. No. -2) also referred the General Power of Attorney (GPA) executed in favour of Shri Dharmveer (R. No.- 2) by Late Shri Permanand (earlier President of the Ashram) during 2012. When asked the reason for submission of the same at this belated stage, the Advocate submitted that it was lost by Shri Dharmveer (R. No.-2) for which one FIR was also got registered. Shri Dharamveer could not place on record any document to support his contention. On being asked if the GPA had been executed in his favour in 2012 by late Shri Permanand, why was a civil suit for permanent injunction filed by him in 2018 in the Shahdara Court against purported eviction as tenant? The Advocate (for Respondent No.-2) could not reply satisfactorily. It was observed that the GPA was also not exhibited as a relied upon document in any of the proceedings before any Forum.

11. The Discom, reiterated its submission as before the CGRF and in written submission. Further, the Discom submitted that they had relied upon two letters written by Late Shri Permanand which pointed out to a pending dispute before the Court, and, therefore, the applied connection was denied. During various visits at site, the Appellant was not found present and residing at site. However, the Advocate of the Appellant produced a copy of Inspection Report of July, 2023, wherein Appellant's presence is clearly visible at the site in the photograph. This was also not disputed by the Respondent.

12. This Court has heard the contentions of both the parties, and has gone through the appeal as submitted in this office, and observes the followings:

- (a) The material on record indicates that Manav Bodh Satsang Ashram is a 'Trust' registered on 07.10.1983. Shri Parmanand was the President and Shri Ashokanand, General Secretary/Vice President in subsequent years. In the year 2023, Shri Ashokanand became President. The Appellant possesses Aadhar Card, Ration Card as well as Election Card, with address as 1, Block J, Manav Bodh Satsang Ashram, Sundar Nagri, Nand Nagri, NE Delhi – 110093. He had executed documents which establish his possession and entered into agreement of tenancy with at least two parties. Nothing contrary is on record to challenge the validity of these documents.
- (b) The deficiency letter of Discom, while referring to ownership dispute/court case, does not contain any elaboration, particularly when civil suit 427/18 stands disposed on 14.07.2018 and incidentally Shri Paramanand and Shri Dharmveer were parties and the Appellant not a party.



- (c) No details of any other court matter or ownership dispute were either sought or examined by the CGRF. The relevance of the relied upon decision of Delhi High Court by the Appellant also therefore needs consideration.
- (d) The Discom has committed a grave error in relying upon letters dated 03.09.2021 and 13.05.2022 written by Shri Parmanand for objecting to release of connection in favour of Shri Dharamveer (R. No.2). The Appellant did not come into picture at all. If these letters were to be made basis for rejection of request for new connection, then how connection could be released in favour of Shri Dharamveer (R. No.-2), when objection from Shri Parmanand was on record and ownership/court case was allegedly pending. It is a strange coincidence that Shri Dharamveer (R.No.-2) got connection on 13.05.2022, the day Discom received the complaint from Late Shri Parmanand.
- (e) The CGRF did not call for and examine the deficiency letter and its merits.
- (f) While the Discom claims that the Appellant was not present during the site visit, yet, on the other hand photographs of the Appellant is appended with the site visit at least on one occasion. Letting out shops and entering into tenancy agreement is not disputed and is part of site map.
- (g) There is no material on record to make an assessment on the status of Shri Dharamveer (R. No. -2) and his role with reference to the Manav Bodh Satsang Ashram. If Shri Dharamveer (R.No.-2) is running a parallel organization, registered on 08.01.2021, it cannot have any bearing on the request for connection, on account of lack of locus.

13. The Appellant fulfilled conditions as enshrined vide 10(2), 10(3) of DERC's Supply Code, 2017 by submitting proof of identity on the basis of having Aadhar Card, Ration Card, Election Card and resolution as President of the Trust. Therefore, the Appellant deserves connection subject to completion of commercial formalities


14. In view of above, this Court directs as under:

- i. It sets-aside the orders dated 19.01.2024 passed by the CGRF.
- ii. The Discom shall release the connection in favour of Shri Ashokanand, Appellant, upon completion of all commercial formalities within ten (10) days. The connection be released in the name of the General Secretary/President, Manav Bodh Satsang Ashram, 1, Block-J, Sundar Nagri, Nand Nagri, Delhi – 110093.



- iii. Discom to undertake a review of the connection released in favour of Shri Dharmveer ignoring the objections raised by Late Shri Parmanand.
- iv. A vigilance enquiry be got conducted by the CEO for ascertaining the involvement of officers/staff of the DISCOM in release of connection in favour of Shri Dharmveer (Respondent No. 2) hurriedly on 13.05.2022 (date on which (late) Shri Permanad made a complaint).
- v. Action taken be reported within four weeks on receipt of the order.

The appeal is disposed off accordingly.

  
(P.K Bhardwaj)  
Electricity Ombudsman  
19.04.2024