

**OFFICE OF THE 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  
(Phone-cum-Fax No.: 011-26144979)

**Appeal No. 12/2019**

(Against the CGRF- BRPL's order dated 25.03.2019 in C.G. No. 016/2019)

**IN THE MATTER OF**

**Shri Kapil Goel**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

**Appellant:**

Shri Kapil Goel, along with his father Shri Rajeshwar  
Kumar Goel and Shri Ravinder Goyal

**Respondent:**

Shri Deepak Pathak, Advocate along with Shri Anil Kaushik,  
DGM (B), Ms. Soma Pal, DGM (P) and Shri Sudarshan  
Bhattacharjee, Manager, on behalf of BRPL

**Dates of Hearing:** 27.06.2019

**Date of Order:** 28.06.2019

**ORDER**

1. The appeal No. 12/2019 has been filed by Shri Kapil Goel on behalf of his father Sri Rajeshwar Kumar Goel the Registered Consumer (RC), against the order of the CGRF-BRPL dated 25.03.2019 passed in CG No. 016/2019. The issue concerned in the Appellant's grievance is basically regarding the restoration of temporary connection installed at his premises No. C-22/7, Gali No. 9, Sadh Nagar, Palam Colony, New Delhi - 110045.

2. In the instant appeal, the Appellant has stated that a temporary connection bearing CA No. 350920973 was energized at his premises located at C-22/7, Gali No. 9, Sadh Nagar, Palam Colony, New Delhi - 110045 on 16.11.2018. On 29.12.2018 he came to know that his said temporary connection has been disconnected on 18.12.2018, without his applying for the same and without his permission and knowledge by the Discom (Respondent). Later on he also came to know that a permanent connection had already been released on 01.12.2018 on the basis of some forged documents on his premises in the name of one Shri Raghunandan Kumar by the Discom. He requested the Discom to look into the matter and disconnect the illegal connection released in the name of Shri Raghunandan Kumar and reconnect the temporary connection back in his name which has been disconnected without his applying for the same. Since he did not get a favourable response to his satisfaction from the Discom, he approached the CGRF for redressal of his grievances.



The Appellant has further submitted that a litigation is going on in the Hon'ble High Court in connection with the said property but they have not raised any issue regarding the electricity connection before the Hon'ble High Court. He also stated that he is the owner of the premises where the said temporary connection was got installed by him and the dispute related only to this property is pending before the Hon'ble High Court. The Appellant further insisted that the said connection was released in the name of Shri Raghunandan Kumar by the Discom on the basis of false property documents. The Appellant also alleged that the Discom changed the address of their property from C-22/7, Gali No. 9, Sadh Nagar, Palam, New Delhi as mentioned in the sale-deed to C-22/8, Ground Floor, L-Corner, Gali No. 9, Khasra No. 68/5/1, Sadh Nagar, Palam Colony, New Delhi. As per the Appellant, the Discom admitted the fact that they are not authorized to change the address of the property but did not respond to the important question as to how the address was changed in the name of Shri Raghunandan Kumar even when the documents such as Aadhar Card, Voter ID states his name as Raghunandan Goel and also his title document does not show his above mentioned address. As per the Appellant, the intention behind the change in address by the one Shri Raghunandan Kumar is presumably to avoid the contempt of the Hon'ble High Court.

3. Further, the said process of the Discom has not been completed since name of the consumer and address of the property had been changed on the same property where the temporary connection was existing and also this new permanent connection bearing CA No. 152685898 was released only on papers hurriedly by the Discom, as no meter was seen to be installed on their property till 08.12.2018. It has been also alleged by the Appellant that their temporary meter was disconnected with forged signatures. As further submitted by the Appellant that on the complaint filed by them, the Vigilance Department of the Discom carried out an investigation and reportedly found a forgery by one Shri Raghunandan Kumar wherein the Vigilance Department had found two different title documents from Shri Raghunandan Kumar for the same property. But the report of the Vigilance Department was not handed over to them for the reasons best known to the Discom.

The Appellant also clarified that the Hon'ble High Court passed an interim order of *status-quo* in the matter of property dispute on 28.11.2018 and they did not withhold the same from the Discom, since they never thought that the Discom would go to the extent of changing the address of the property and issue a connection with changed address with a new name ignoring their temporary meter. The Appellant also questioned the version of the Discom that the electricity is an essential commodity and can be given without any basis to anybody.

Since their plea was not accepted by the CGRF, they have preferred this appeal on the grounds that the Forum has not taken in to consideration the facts that Vigilance Department of the Discom had found the documents filed by Shri Raghunandan Kumar as forged and the Discom changed the address of the property while releasing the new permanent electricity connection. Also, the Forum did not take the cognizance of the fact that the Discom had ignored the



basic KYC document of one Shri Raghunandan Kumar and accepted the documents which suited best to them. Secondly, the Discom released the new connection to Shri Raghunandan Kumar only on papers and also they never filed an application for the disconnection of their temporary connection.

In view of above submissions and the order of the status quo of the Hon'ble High Court, the Appellant has prayed as under:

- a) Restore the temporary connection with CA No. 350920973
- b) Disconnection with forfeit the amount deposited for CA No.152685898.
- c) Strict action against the BSES erring officers with whom collusion and connivance, one Shri Raghunandan Kumar did the fraud and forgery with us. Report the matter to police and registration of FIR against those responsible for collusion, connivance, fraud and forgery.
- d) Share the BSES vigilance report along with the documents with the Appellant.

4. In its response, the Discom contended that an application dated 14.11.2018 was received for the temporary connection at the address H. No. C-22/7, Sadh Nagar, Palam Colony, New Delhi, in the name of Shri Rajeshwar Goel which was released vide CA No. 350920973 on 22.11.2018. Thereafter, an application dated 26.11.2018 was received for a permanent connection at the address of H. No. C-22/8, Sadh Nagar, Palam Colony, New Delhi, in the name of Shri Raghunandan Kumar and as per the site report no other meter existed at the time of visit on the applied site at H. No. C-22/8, Sadh Nagar, Palam Colony, New Delhi, and therefore the permanent connection was released vide CA No. 1526585898 on 30.11.2018. In succession, an other request dated 13.12.2018 was also received for removal of the temporary connection installed on 22.11.2018 supra, which was therefore removed on 19.12.2018 in view of the request submitted under the signatures of the Appellant.

Further, a complaint was received by the Discom on 01.01.2019 that the whole porerty viz, C-22/7 and C-22/8 is under litigation in the Delhi High Court vide Case No. CS(OS)603/2018. Since, it was a court case the said complaint was sent to their Legal Department along with the documents of both the temporary as well as permanent connections. As per the Discom, a letter dated 23.01.2019 was received by them from Police Station, Village Palam, asking them for the documents submitted for both the connections and the same were submitted by them to the police authority on 29.01.2019.

The Discom stated that the matter is now reportedly subjudice with the Delhi High Court and a status quo is ordered vide an interim order dated 28.11.2018 as informed and submitted to them by the Appellant. The Discom further conveyed that they could not verify the documents submitted before



them since it does not come within their purview and since the request for removal of temporary connection bore the signatures of the Appellant, therefore there was no occasion for them to scrutinize the documents any further. Also, it is a routine practice for them that if a temporary connection holder applies for its disconnection and at the same time applies for a new permanent connection and also submits necessary documents than nothing more is required. Hence, since this process was completed with regards to the connection under consideration therefore it was released as per the regulations. It was also insisted by the Discom that at that time they did not have any information regarding the status quo order of the Hon'ble High Court otherwise they would not have released the connection.

It is also pertinent to mention here that the permanent connection bearing CA No. 152685898 was installed on 30.11.2018 at the property bearing NO. 22/8, Sadh Nagar, Palam Colony, New Delhi. The said connection was released at the aforesaid address as given in the application form wherein there was no corresponding property document enclosed with showing the aforesaid address. However, at the time of submission of the application for connection, an affidavit was furnished by the consumer to the effect that particulars mentioned therein are correct and upon being found incorrect, the connection may be disconnected.

5. As per the Discom, after the release of said connection, Shri Kapil Goel submitted a complaint along with some documents to their Division Office at Palam on 01.01.2019 whereby it revealed that there is a ongoing litigation in respect of the property between Shri Raghunandan Kumar and Shri Rajeshwar Kumar Goel (father of the Appellant) titled as "Rajeshwar Kumar Goel vs Raghunandan Goel & Ors." CS (OS) No. 603/2018 which is pending for adjudication before the Hon'ble High Court. In the said proceeding, vide order dated 28.11.2018 the Hon'ble High Court was pleased to pass an interim order to the effect of maintaining status quo. In the complaint dated 01.01.2019, it was also alleged that the property having description of C-22/7 and C-22/8 are one and same and therefore in view of the status quo order operating in respect of the said property, the connection released in the favour of Shri Raghunandan Kumar, was against the direction of the Hon'ble High Court. That this order and proceeding in respect of the property in question, where the connection has been installed, was concealed and never been apprised by said Shri Raghunandan Kumar to the Discom. Since the Discom was not a party to the said proceeding, it had no knowledge about the status quo order passed by the Hon'ble High Court.

That on the basis of complaint dated 01.01.2019, the said Shri Raghunandan Kumar was served upon a letter calling upon to submit the details of litigation and property documents showing the address of the property as C-22/8. The said letter was not responded and only water bills showing property No. C-22/8 was submitted which was found not to be sufficient to explain that the property bearing No. C-22/7 and C-22/8 are different. No property documents were submitted with the description of address of C-22/8 and as such it appeared that the connection was obtained on the basis of



submission of false information and against the undertaking/affidavit made by him. The officials of the Discom also visited the said property to ascertain whether C-22/7 and C-22/8 are one and same property or different property and it was confirmed that the property having description of C-22/7 and C-22/8 are one and same.

Therefore in view of the interim order passed by the Hon'ble High Court in the above suit in respect of the same property, the competent authority and Legal Department after examination of the entire issue and documents, came to the conclusion that the aforesaid connection released was liable to be disconnected till the issue of ownership is decided by the Hon'ble High Court or the interim order is varied for grant of connection. Further, the connection was obtained by misrepresentation of facts and documents and in violation of the affidavit/undertaking and accordingly is liable to be disconnected. Accordingly, the supply to the permanent connection was disconnected on 28.05.2019.

It has been further submitted by the Discom that there is no illegality on the part of the Discom and they are not concerned and connected with the litigation of property between the parties of the suit and act of installation of connection was based on the facts and material at that time and in view of the subsequent development and passing of the interim order by the Hon'ble High Court, the supply was liable to be disconnected pending adjudication. Further, the disconnection of temporary connection of the Appellant preceded the installation of the connection and on 28.11.2018 when the Hon'ble High Court passed the interim order of status quo, the supply of temporary connection was already disconnected and therefore to give effect of the direction of status quo passed by the Hon'ble High Court, the said temporary connection is also not liable to be restored unless the Hon'ble High Court passes the order in this respect or varies the interim order.

In view of the above, the Discom prayed that nothing survives in the instant appeal and same is rendered infructuous in view of the subsequent development as stated above, and the present appeal is liable to be dismissed and disposed of accordingly.

6. After hearing both the parties and going through the material on record, the basic issue which now finally emerges is that the Appellant has raised two issues for adjudication, the first one is wrong disconnection of temporary connection installed at the property bearing No. C-22/7, Gali No. 9, Sadh Nagar, Palam Colony, New Delhi, in the name of his father, Shri Rajeshwar Kumar Goel and the other is the installation of a permanent connection in the property bearing H.No. C-22/8, Gali No. 9, Sadh Nagar, Palam Colony, New Delhi, in the name of Shri Raghunandan Kumar under forged signature and submission of forged documents.

For better understanding of the case the chronology of the events has to be seen and understood which is summarized as under:



- i) A temporary connection was released at H.No. C-22/7, Sadh Nagar, Palam Colony, New Delhi, in the name of Shri Rajeshwar Kumar Goel on 22.11.2018.
- ii) Thereafter, a permanent connection was then released at H. NO. C-22/8, Sadh Nagar, Palam Colony, Delhi, in the name of Shri Raghunandan Kumar on 30.11.2018.
- iii) The temporary connection released on the property C-22/7 on 22.11.2018 supra, was disconnected by Discom on 19.12.2018.
- iv) A complaint was received by Discom on 01.01.2019 that the properties bearing Nos. C-22/7 & C-22/8 are under litigation in the Delhi High Court vide case No. CS(OS)603/2018.
- v) The matter is subjudice with the Delhi High Court and a status quo had been ordered by the Hon'ble High Court vide an interim order dated 28.11.2018.
- vi) In view of the suspected documents submitted for release of permanent electricity connection and the interim order of status quo passed by the Hon'ble High Court, the permanent connection in the name of Shri Raghunandan Kumar was disconnected on 28.05.2019.

After careful perusal of the documents submitted and averments made by the parties, it is observed that the passing of status quo order of the Hon'ble High Court was not brought to the knowledge of the Discom either by the Appellant or by Shri Raghunandan Kumar before release of the said new permanent connection in his name. This material fact was apparently withheld from the knowledge of the Discom by both the parties since the Discom was not a party before the Hon'ble High Court. Hence, it cannot be concluded that the Discom contravened the status quo at the time of releasing of the permanent connection to Shri Raghunandan Kumar.

However, looking into the chronology of the events, the contention of the Discom that the supply to the temporary connection was already disconnected before the installation of permanent connection in the name of Shri Raghunandan Kumar and also even before the interim order of status quo by the Hon'ble High Court is wrong and self contradictory and is hereby rejected. On the one hand, when the Discom disconnected the permanent connection on the basis of the interim order of the status quo of the Hon'ble High Court, they should have also taken the appropriate decision regarding the reconnection of the temporary connection disconnected by them after the interim order of the Court. This point was argued and debated during the hearing and the Discom could not explain and were not able to offer any plausible reason as to why they did not reconnect the temporary connection also as soon as the status quo order of the Hon'ble High Court came into their notice. However, during the course of hearing the Appellant and the Discom agreed to resolve the matter mutually and submitted a 'Memorandum of Settlement' duly signed by both the parties, which was allowed by the court and is reproduced below:



Memorandum of Settlement

"Whereas the Appellant, Kapil Goel, challenged the final order passed by the learned CGRF in complaint No. CG-016/2019 dated 25.03.2019 before this Hon'ble Ombudsman vide Appeal No.12/2019.

Whereas in the said appeal the Appellant made following prayers:

- a) Restore the temporary connection with CA No. 350920973.
- b) Disconnection with forfeit the amount deposited for CA No. 152685898.
- c) Strict action against the BSES erring officers with whom collusion and connivance, one Shri Raghunandan Kumar did the fraud and forgery with us. Report the matter of police and registration of FIR against those responsible for collusion, connivance, fraud and forgery.
- d) Share the BSES vigilance report along with the documents with the Appellant.

Whereas the Appellant and the Respondent during the course of hearing mutually agreed to settle the dispute as under:

- i) That the supply to temporary connection shall be restored by BSES-RPL in view of the status quo order passed by the Hon'ble High Court in CS(OS) No. 603/2018 dated 28.11.2018.
- ii) The Appellant shall complete necessary commercial formalities regarding reconnection of temporary connection.
- iii) The prayer no. 2 is not pressed by the Appellant as the supply already stands disconnected.
- iv) The Appellant shall take appropriate action as per Law with regard to prayer no. 3 & 4.
- v) That the present agreement is executed out of free will and volition and without any pressure, threat or coercion.
- vi) That both parties shall abide by the terms of the agreement/memorandum of settlement.
- vii) That the Appellant withdraws the present appeal with regard to prayer no. 1 made to the Hon'ble Ombudsman. However, other prayer/grievances shall be taken up with the appropriate authority.

In witness whereof, this MOS is signed on this 27<sup>th</sup> Day of June, 2019 at New Delhi."



In view of above background the verdict of the CGRF dated 25.03.2019 is set-aside with the directions to the Discom to reconnect supply to the temporary connection, after completion of the necessary commercial formalities by the Appellant, within ten days from the receipt of this order with a compliance report being sent to this court. The Appellant is however free to take up other issues with the appropriate authorities.

The appeal is hereby disposed of accordingly.

  
(S.C.Vashishta)  
Electricity Ombudsman  
28.06.2019