

**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**  
(Telephone No.011-26144979)

**Appeal No. 17/2019**

(Against the CGRF-TPDDL's order dated 18.01.2019 in C.G. No.7793/09/17/CVL)

**IN THE MATTER OF**

**BABA GOPAL DASS SAHIB (TALIB) TRUST**

**Vs.**

**TATA POWER DELHI DISTRIBUTION LTD.**

**Present:**

Appellant: Shri S.K. Tandon, Advocate on behalf of Baba Gopal Dass Sahib (Talib) Trust, the Appellant, along with Shri Prakash Daryani

Respondent (1): Shri Gautam Jayprakash, Sr. Manager (Legal) and Shri Anirudh Sinha, Manager, on behalf of TPDDL.

Respondent (2): Shri B.S. Ahuja, Shri Girdhar Sukhramani along with Shri Ram Pal Singh, Advocate, on behalf of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha.

Dates of Hearing: 10.07.2019 & 30.07.2019

Date of Order: 07.08.2019

**ORDER**

1. The Appeal No. 17/2019 has been filed by Baba Gopal Dass Sahib (Talib) Trust through its Advocate Shri S.K. Tandon in respect of electricity connections bearing CA Nos. 60005683499 and 60007392875 installed at Darvesh Asthan Sewak Sabha, Majnu Ka Tila, Delhi, against the CGRF-TPDDL's order dated 18.01.2019 passed in C.G. No. 7793/09/17/CVL. The issue concerned in the Appellant's grievance is regarding the wrong and illegal transfer of the aforementioned electricity connections in the name of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, C/o Mr. B.S.Ahuja (Respondent No. 2) by the Discom (Respondent No. 1).

2. The brief background of the appeal arises from the fact that the Appellant, Baba Gopal Dass Sahib (Talib) Trust, had approached the CGRF for cancellation of the change of name of two existing electricity connections bearing CA Nos. 60005683499 and 60007392875, originally in the name of Shri Baba Gopal Dass and Shri B.Gopal Dass respectively, but later on transferred by the Discom in the name of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, C/o Mr. B.S. Ahuja in the year 2016, wherein the Forum dismissed the complaint of the Appellant on the grounds of jurisdiction.



During the hearing, all the parties, i.e. the Appellant, the Discom and Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, C/o Mr. B.S. Ahuja, who had been impleaded subsequently, appeared and pleaded their cases respectively in their favour.

3. The Appellant reiterated the points as already submitted in its written submissions. Brief submissions made in the Appeal and argued by the Appellant are as under:

The arguments were initially started by the Appellant through its Counsel who initiated the plea with the contention, that the appeal to the Hon'ble Ombudsman is not time barred as the same has been filed within the stipulated time frame as has been contested by the Respondent No. 2 which, however, was immediately withdrawn. The Appellant, further, contended that the Society viz, Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, which will be herein quoted as 'Sewak Sabha' for the sake of brevity, was started by Baba Gopal Das Sahib as a mark of respect to his Guru 'Shahenshah Baba Nebh Raj Sahib' and the same was got registered in the year 1955 under Societies Act initially in the name of "Darvesh Asthan Sewak Sabha" with its premises and registered office at Majnu Ka Tila, Delhi. Further, two electricity connections were sanctioned and energized for the Society premises in the name of Baba Gopal Das in 1977. The same were re-energized in the year 2003 by the Discom on account of changeover of the system from DESU to TPDDL.

The Appellant also stated that the Sewak Sabha (Society) comprises of several rooms, Gufa sahib, prayer halls and temple etc. The said Sabha is involved in various religious and charitable activities since the beginning. The donations in cash, cheques and by way of demand drafts were given by the followers both in the name of Sabha and Babaji and these donations were utilized for fulfilling the aims and objectives of the Sabha. Baba Gopal Dassji left for heavenly abode in 1991 and the most staunch devotee of Babaji, Amma Kamla Sahibji was made 'Gaddinashin' of the Darvesh Asthan Sewak Sabha by the devotees unanimously as per the wishes of Babaji and the members of the Sabha also elected Ammaji as the President of the Sabha. The Appellant further stated that in the year 1991 itself the name of 'Darvesh Asthan Sewak Sabha' was changed to Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha (Society). The maintenance of 'Darvesh Asthan' was carried out from the donations received by Ammaji Kamla Sahib from her own bank account. With the passage of time Ammaji Kamla Sahib created a public charitable Trust on 20.03.2014 in the name of 'Baba Gopal Dass Sahib (Talib) Trust' (the Appellant). The objective of the Trust was to maintain Darvesh Asthan and to perform all other functions etc. and to manage the affairs/activities of the Darvesh Asthan as the Sewak Sabha (Society) had become inoperative and dormant since long. The purpose of forming the Trust was to manage the affairs of the Asthan as the Sewak Sabha (Society) remained inoperative/dormant for several years.



The said connections in the name of Baba Gopal Dass and B.Gopal Dass were being paid by the Trust since the creation of the Trust in March, 2014 onwards till November, 2016. Thereafter, the Trust stopped paying the bills as the above stated electricity meters were illegally and wrongfully transferred in the name of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, C/o Mr. B.S. Ahuja.

4. The Appellant also pleaded that his main grievance is that the Appellant had filed an application before the Discom on 09.06.2016 for transfer of two meters, originally in the name of Shri Baba Gopal Dass and Shri B.Gopal Dass, in favour of the Baba Gopal Dass Sahib (Talib) Trust by virtue of formation of the Trust through the valid Trust Deed dated 20.03.2014 but these two meters were never transferred in the name of the Trust. Meanwhile, later on Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewk Sabha also filed an application before the Discom on 21.06.2016 for change of the name of the said meters, which were changed/transferred by the Discom in the name of 'Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha C/o Mr. B.S. Ahuja on 05.11.2016. He, further, submitted that the Appellant even sent a letter dated 23.08.2016 to the Discom requesting them not to entertain the application of some unauthorized person for change of name of the above said two electricity connections, which should be done only in the name of the Trust, but the same was ignored by the Discom. Further, they also sent a legal notice dated 29.12.2016 to the Discom which it never replied. Further, the Discom also did not give any reply with regards to their applications for the change of the names of the two meters in the name of the Trust and later on the Appellant came to know that the meters have already been transferred in the name of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, C/o Mr. B.S.Ahuja. Hence, it necessitated for the Appellant to file its grievance through a complaint with the CGRF stating that since the meters have been wrongly and illegally transferred in the name of Sewak Sabha, therefore, it is prayed that the "name change should be cancelled".

The Appellant also questioned the action of the Discom that how the Discom considered the Sewak Sabha (Society) as the owner of the Sabha assets and transferred the two meters in the name of Sewak Sabha (Society) and why the name of Mr. B.S. Ahuja as C/o Mr. B.S. Ahuja has been added in the electricity bills after effecting the change of electricity connections in the name of the Sewak Sabha (Society), whereas, Mr. B.S. Ahuja was only the General Secretary of the Sewak Sabha (Society) at that time. Further, since the Respondent No. 2 has also not applied for the change of name of the connections in the name of C/o Mr. B.S. Ahuja as per their application forms submitted to Discom for the purpose of transfer of connections, thus, how can Mr. B.S. Ahuja apply for the connections in his personal capacity to the Discom for the name change of two meters, is not understood. Further, the Sewak Sabha (Society) did not submit the proof of ownership of property to Discom which is essentially required for the change of the name as per Regulations/Act. The Appellant also contended that the Sewak Sabha (Society) is not the owner of the land on which the Darvesh Asthan has been established and the land still belongs to the Department of L&DO. The



Appellant further pleaded that the Forum has wrongly interpreted the prayer of the suit lying in the Hon'ble High Court of Delhi wherein the relief has been sought by the Trust for granting permanent and mandatory injunction to the Trust against the activities of the Society and grant the permission to the Trust for controlling the affairs and management of Asthan by the Trust.

5. The CGRF-TPDDL, in its order dated 18.01.2019 passed in CG No. 7793/09/17/CVL, after going into the facts, circumstances and merits of the case rejected the complaint of the Appellant on the ground, that since the case for ownership/possession of the premises, where the electricity connections are installed i.e. "Darvesh Asthan" is subjudice, as the same is pending with the Hon'ble High Court of Delhi, hence, beyond the jurisdiction of the CGRF.

The Appellant, therefore, has preferred the present appeal against the said order of the CGRF on the grounds that the Forum has failed to consider the following facts:

- a) That the Forum without ascertaining and discussing the authenticity and genuinenity and bonafide of documents, filed by the Discom and also Respondent No. - 2, failed to assign any reasons and findings which is totally unethical and against the law.
- b) That the Discom has not replied to any of the letters and further a legal notice dated 29.12.2016 sent by the Appellant to the Discom in respect of above stated two electricity connections in the name of the Trust, which also stands unreplied, thereby caused breach of obligation on the part of Discom which has adversely affected the Appellant.
- c) That the Forum miserably failed and overlooked the documents filed by the Discom and Baba Gopal Dass Sahib (Talib) Asthan Sewak Sabha (Respondent No. 2) which nowhere establishes and proved the ownership of Baba Gopal Dass Sewak Sabha as the land owner. The said land is still owned by the Department of L&DO. Therefore, the Discom made a gross violation in changing names without affording any opportunity to Baba Gopal Dass Sahib (Talib) Trust.
- d) That the Forum grossly misinterpreted and misread the judgement dated 03.04.1993 passed by Ld. Shri P.K.Jain, District Judge, Delhi in the Probate Case No. 303/1992 whereby allowing the Letter of Administration for the property and credits to the extent of Rs.18,94,175/- (Rupees Eighteen Lakhs Ninety Four Thousand One Hundred Seventy Five only), lying in the Saving Bank Account No. 309, Allahabad Bank, Timarpur Branch, Delhi. The judgement dated 03.04.1993 passed by the Ld. District Judge pertains and was relevant only to the extent of release of the amount lying in the above stated saving bank account and does not, anyway, give the blanket permit to the Discom and Respondent No.2, to consider this judgement as a sole bonafide document to get the name change of



the electricity meters mentioned above from Baba Gopal Dass to Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha C/o Mr. B.S. Ahuja.

- e) That the Forum failed to appreciate that the Discom failed to reply or send any communication or seek any clarification or further seek any submission of documents or send any refusal on the request of the Appellant herein to transfer the above stated two electricity meters in their names.
- f) That the Forum failed to apply its mind and failed to consider the fact about the bills raised against CA No. 60005683499 and 60007392875 were paid by Ammaji from her personal bank account up to April, 2014 and thereafter the said bills were paid by the Trust from its bank account until November, 2016. The Baba Gopal Dass Sahib (Talib) Asthan Sewak Sabha never paid the bills raised against these two electricity meters i.e. from the year 1991 till November, 2016.

In view of above submission the Appellant has prayed as under:

- i) Quash/set-aside the order dated 18.04.2019 passed by the CGRF-TPDDL in CG No. 7793/09/17/CVL in the matter - Baba Gopal Dass Sahib (Talib) Trust v/s TPDDL in the interest of justice.
- ii) Direct the Discom to transfer the two electricity meters bearing CA Nos. 60005683499 and 60007392875 in the name of Baba Gopal Dass Sahib (Talib) Trust.
- iii) Cost of the appeal may also be awarded in favour the Appellant.
- iv) Pass any other and further order as this Hon'ble Authority may deem fit, just and proper in the facts and circumstances of the case.

6. During the hearing the Respondent No.2, namely Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha, which has been impleaded as a party, pleaded that the present appeal of the Appellant needs to be quashed/set-aside on the ground that the Appellant had sought the relief before the CGRF only for the cancellation of the name change but not for the transfer of the electricity connections in their name, whereas before this Court they have sought for the name change in their favour.

The Respondent No.2 further reiterated the contents of his rejoinder filed before this Court and stated that the land of Darvesh Asthan belongs to the Sewak Sabha (Society) as the same was allotted temporarily to the Society in 1971 which is still continuing and water connection was also installed on the said land. He, further, pleaded that the change of the name by the Discom in the name of Sewak Sabha (Society) has rightly been done on the basis of 'Letter of Administration' issued by the District Judge, Tis Hazari



Court and other necessary documents submitted by them. Further, they have also been carrying out all the activities of the Sewak Sabha (Society) and celebrating all the functions till date from the date of inception of the Sewak Sabha (Society) with regard to which the related correspondence with the administration / Police are placed on record. Regarding the name change in the name of Sewak Sabha (Society) with C/o Mr. B.S. Ahuja, is not their fault and there is no intention to create the right of Mr B.S. Ahuja over the property but his name has been appearing in the name change because the application was filed by Mr B.S. Ahuja for name change in the capacity as General Secretary of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha. Thus, after considering all the documents, the name change has been rightly done by the Discom in favour of the Sewak Sabha (Society). They also contended that the Trust does not have any right over the affairs of the Darvesh Asthan because the Trust was registered as a separate entity with the asset of an amount of Rs.5,100/- only.

7. During the counter argument, the Appellant contended that the two "Notification Suspension Letters" issued by the Discom were not received by them as the same have been sent to the wrong address at Majnu Ka Tilla as against the correspondence address of Dwarka, given for correspondence by the Appellant in their application form for change of the name of the two electricity connections. These two notifications have been sent at the Asthan address where they are in possession of only one/two rooms but the correspondence address has knowingly been omitted by the Discom as may be seen, that the notifications have been sent by the Discom, in the name of Baba Gopal Dass but not in the name of the Trust i.e. the Applicant. Further, the Appellant also rebutted the plea of Respondent No.2 that the Trust is not the owner of the Darvesh Asthan as the matter has been pending with the Hon'ble High Court. The Appellant also contested that the 'Letter of Administration' issued by the District Judge, Tis Hazari is restricted only for the operation and transfer of an amount of Rs.18,94,175/- lying in the personal bank account of Babaji to the account of Sewak Sabha (Society).

8. The Discom (Respondent No. 1) started their submissions with the plea that since the present dispute is related to ownership/possession of the property, hence the same may be decided by the Hon'ble High Court of Delhi only. Accordingly, the Forum has rightly dismissed the case of the Appellant vide its order dated 18.01.2019.

The Discom further emphasized that since the Appellant's plea in the High Court is for permanent and mandatory injunction for restraining the Respondent No.2, their representatives & family members etc. from controlling the affairs of Darvesh Asthan, his prayer in the Hon'ble High Court may rightly be construed as the prayer for granting ownership/title rights to the Appellant. Accordingly, the CGRF has rightly dismissed the case of Appellant on the ground that the matter is pending for adjudication before the Hon'ble High Court of Delhi. Further, the term "controlling the affairs" also includes electricity connections apart from other fixtures & amenities etc. The Discom admitted the fact that the Appellant had approached them and applied for name change in the year 2016, but the same were not entertained and the



"Notification Suspension Letters" were sent to the Appellant on their registered address available on their records with a remark, "Valid Ownership Proof Required of Applied Address". Since these are the system generated letters which are generated in the name of the registered consumers which upto that time were in the name of Mr. Baba Gopal Dass and Mr. B. Gopal Dass respectively, hence the "Suspension Letters" were issued to the Appellant unintentionally on the Asthan address as Discom were not aware as to where the disputed property has been located. Apart from this, the Appellant might have also been informed through system generated SMS on the mobile nos. given in the notification and suspension letters as the same belonged to the Appellant. Hence, the Appellant should have approached the Discom on the receipt of these letters/SMSs for further completion of formalities etc.

The Discom, further, contended that they changed the names of the connections in the name of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha considering the fact that the ownership/possession proof in the form of 'Letter of Administration' issued by the District Judge and the copy of allotment letter for the land of Asthan by the Department of L&DO were enclosed by the applicant i.e. Respondent No.2. Further, the said change was done with a view to make our contract valid by changing the names of the connections in the name of the living person from those of the names of a dead person. The Discom, however, conceded the fact that the name of Mr. B.S. Ahuja as C/o Mr. B.S. Ahuja with the name of the Sewak Sabha has inadvertently and wrongly been done by system generated computer mistake, which shall be rectified.

The Discom, however, vehemently denied the allegation that the name C/o Mr. B.S. Ahuja has been added deliberately with wrong intention. They have further submitted that though the applications of both the applicants had been pending with the Discom, there has been no mechanism to cross check/cross verify such long pendencies which exceed beyond three months period. Further, the Appellant's application was rejected on the ground of 'ownership document' which is still under question. Meanwhile, it was the responsibility of the Appellant that they should have checked with the Discom about the status of their application. With regard to the legal notice/complaint of the Appellant, the Discom submitted that since in the letter/notice it was mentioned that some unauthorized person has been trying to get the connections, Discom does not have any system to decide who is this unauthorized person. The Discom finally concluded its argument with the contention that this Court does not have the jurisdiction in this case as the whole matter is pending before the Hon'ble High Court of Delhi for further adjudication.

9. On the basis of the pleadings, contentions and submissions by all the parties during the course of hearing and going through the documents/papers submitted by the parties i.e. the Appellant, the Discom and the Respondent No.2, the following has emerged:



- a) That a 'Society' initially in the name of 'Darvesh Asthan Sewak Sabha' was established by Baba Gopal Dass Sahib in 1955 which was got registered under Society Registration Act.
- b) That Baba Gopal Dass Sahib was the sole owner of the 'Society' and its assets till he left for heavenly abode in the year 1991 intestate.
- c) That the said 'Society' namely 'Darvesh Asthan Sewak Sabha' was taken over by Ammaji Kamla Sahib, the closest devotee of Babaji by virtue of being appointed as 'Gaddinashin' as the President of the Society by the members of the Society unanimously in 1991.
- d) That the name of the 'Society' was changed from 'Darvesh Asthan Sewak Sabha' to 'Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha (Regd.)' during the time of Ammaji herself in 1991.
- e) That a 'Letter of Administration' dated 03.04.1993 was granted by the District Judge, Tis Hazari, in favour of Mr B. S. Ahuja for the property and credits to the extent of Rs.18,94,175/- in the capacity as Secretary of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha (Regd.).
- f) That a Trust in the name of Baba Gopal Dass Sahib (Talib) Trust was formed by Ammaji Kamla Sahib in 2014 with the objective of carrying out the charitable activities etc. and managing the affairs/activities of the Darvesh Asthan.
- g) That Ammaji Kamla Sahib died in the year 2015 without any further successor to her Gaddi/position.
- h) That the Trust applied for transfer of two electricity connections already existing in the name of Mr Baba Gopal Dass and Mr B. Gopal Dass on 09.06.2016 in favour of Baba Gopal Dass Sahib (Talib) Trust. The Trust requests for the name change were kept suspended by the Discom for want of ownership proof of the address where the connections existed.
- i) Subsequently, the Sewak Sabha (Society) through its Secretary, Mr. B.S. Ahuja, also applied for the change of the names of the two connections in the name of Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha on 21.06.2016. Meanwhile, the Discom issued two notification suspension letters against the applications of the Trust, i.e. Appellant on 27.06.2016.
- j) That the Discom changed the name of the two electricity connections, in question, in the name of the Respondent No.2 on 05.11.2016 on the basis of their application and the documents enclosed by them.
- k) That the Appellant filed a suit in the Hon'ble High Court of Delhi on 11.05.2017 with the prayer for grant of permanent and mandatory injunction in favour of the Trust and restrain the Respondent No.2 namely Baba Gopal Dass Sahib (Talib) Darvesh Asthan Sewak Sabha from controlling the affairs of the Asthan. The said suit/case is still pending in the Hon'ble High Court of Delhi which has issued a notice to L&DO Delhi with a direction to give the details of the owner as per the records of the L&DO and has fixed 19.08.2019 as the next date of hearing.






From the above, it is inferred that both the parties i.e. the Appellant and the Respondent No.2 are involved in a legal battle for controlling the affairs and managing the Darvesh Asthan for which a legal case is already pending before the Hon'ble High Court of Delhi.

In view of the above facts, it may be concluded that since the case of the Appellant is pending in the Hon'ble High Court of Delhi for mandatory and permanent injunction and hence subjudice, therefore, no substantive case is made out for any interference with the verdict of the CGRF. The parties may take up their grievances with the appropriate authority of the concerned Discom for redressal after the final outcome/order of the Court.

The appeal stands disposed off accordingly.

  
(S.C. Vashishta)  
Electricity Ombudsman  
07.08.2019