

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- 41009285)

Appeal No. 23/2019

(Against the CGRF-TPDDL's order dated 28.06.2019 in CG Nos. 53/2019)

IN THE MATTER OF

SHRI RAM DASS

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Ram Dass along with Shri Harbans Lal,
Authorized Representative

Respondent : Shri Gautam Jaiprakash, Sr. Manager (Legal) and
Shri Anurag Kumar, Sr. Executive, on behalf of TPDDL.

Dates of Hearing: 11.10.2019

Date of Order: 14.10.2019

ORDER

1. The appeal No. 23/2019 has been filed by Shri Ram Dass, against the order of the CGRF-TPDDL dated 28.06.2019 passed in CG No. 53/2019. The basic issue concerned in the Appellant's grievance pertains to obtaining the particulars/details of the electricity connections provided in the Flat No. G-8/14, Sector -15, Rohini, Delhi, by the Discom (Respondent).

2. In brief the submissions of the Appellant is that his mother late Smt. Ram Devi along with her two daughters used to reside in Janta Flat No. G-8/14, Sector -15, Rohini, Delhi. They were working as rag-pickers. Till they remained in that flat there was neither water connection nor electricity connection. The flat was in the name of Smt. Ram Devi. His mother Smt. Ram Devi was murdered on 26.01.1998 and the police registered the case FIR No. 618 dated 28.12.2001 u/s 302 IPC, P.S. Prashant Vihar, Delhi. As per the Appellant, the case was registered by the Police after about 3 years and the police in their report has confirmed that Smt. Ram Devi used to reside in that flat. After his mother was murdered some unauthorized persons after breaking the locks of that flat had taken the possession of the same.

His submission before the concerned authority in Discom was that the unauthorized person who had taken the electricity connection must have applied on the forged documents. His specific request was that the details of that person who had taken the electricity connection in his flat No. G-8/14, Sector -15, Rohini, Delhi, be supplied to him.



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The Appellant further submitted that the Discom has not given the specific details required by him during the hearing in CGRF and the Forum has dismissed his complaint on the basis of jurisdiction.

3. In short, by way of the present appeal, the Appellant has stated that someone has trespassed his property and has obtained an electricity connection in the said flat bearing No. G-8/14, Sector -15, Rohini, Delhi. The Appellant wants to know the specific details on the followings:

- a) Name of the person in whose name the electricity connection has been sanctioned in flat No. G-8/14, Sector -15, Rohini, and not for other flats.
- b) The details of the person from whom he had purchased that flat and the date of its purchase.
- c) The date of application for the electricity connection and the date of its sanctioning.
- d) The copies of all the relevant documents be also given so that further necessary action can be taken accordingly.

4. The Discom in its reply has submitted that the appeal is liable to be rejected and cannot be entertained on the sole ground that the Appellant herein is not covered under the definition of 'Complainant' as given in Clause 3(4) of DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 (hereinafter referred to as CGRF Regulations). The Discom submitted that as per the above mentioned clause "Complainant" means:-

- (i) A consumer as defined under clause (15) of Section 2 of the Act; or
- (ii) An applicant for a new electricity connection' or
- (iii) In case of death of a consumer, his legal heir(s) or authorized representative; or
- (iv) Any other person claiming through or authorized by or acting as agent for the consumer and affected by the services or distribution business carried out by the distribution licensee.

In view of the above, it has been therefore submitted by the Discom that the Appellant herein is neither a consumer nor an applicant for new electricity connection, nor is he representing or acting on behalf of a consumer. Hence the Appeal merits dismissal at the very outset.

It is further reiterated by the Discom that the issues raised in the present appeal and complaint before the Forum are also not covered under the definition of 'Grievance' as envisaged under Clause 3(7) of the DERC's Notification dated 08.03.2018. As per the referred clause a "Grievance" means:-



"any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the extant SOP Regulations which are within the jurisdiction of the Forum or Ombudsman, as the case may be."

By way of the present appeal and the complaint before the Forum, the Appellant herein has failed to establish any "grievance" as per the definition given above. It is, therefore, submitted that none of the prayers in the present appeal is covered under any of the conditions specified in the above definition of 'Grievance'. Hence, the present appeal merits dismissal on this ground also.

That the present appeal is also not maintainable on the ground that an FIR has already been lodged and that the basic issue involved in the matter is in the nature of property dispute which is beyond the jurisdiction of this Forum, as envisaged under the Regulations.

The Discom further submitted that the Forum was pleaded to dismiss the complaint on the ground of jurisdiction and closed the case. It is humbly submitted that Forum has rightly dismissed the complaint on the ground that nature of dispute is such that needs to be examined by the competent court as extensive examination and cross examination of witnesses is to be ascertained which is outside the purview of the jurisdiction of the Forum. Also, the contention of the Appellant regarding electricity connection in the property in question is purely based on assumptions. Further, an electricity connection is provided to an applicant on the basis of the documents as enlisted in the relevant provisions as notified by Delhi Electricity Regulatory Commission. It is also a contractual relation between the service provider and the registered consumer and as such any third party cannot indulge in such matter.

Finally, the Discom submitted that none of the prayers in the present appeal is covered under the definition of "Grievance" as per the regulations and as such the present appeal must be dismissed forthwith and it is further requested to please pass such other and further orders as may deem fit and proper in the facts and circumstance of the case.

5. After hearing both the parties and going through the material on records, the basic issue emerges is that the Appellant wants to know the particulars/details of the person in whose name the electricity connection has been sanctioned in flat No. G-8/14, Sector -15, Rohini, Delhi, and has also sought the details of the person from whom the present occupier had purchased the flat and date of the purchase along with the copies of all other relevant documents regarding sanction and release of electricity connection etc.

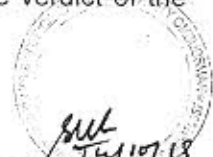
It is pertinent to note here that the Appellant does not qualify the definition of the "Complainant" under Clause 3(4) of DERC's (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018, as he is neither a consumer nor an applicant of a new electricity connection. Further, he is also not a legal heir or authorized representative acting on behalf of the consumer and is also not affected by any deficiency in services by the Discom. The core



issue of the appeal is also not covered under the definition of 'Grievance' as per Regulations, 2018.

In addition, the present appeal of the Appellant apparently indicates to the property dispute which is purely criminal in nature and as such needs adjudication by the competent court. The sequence of events as given in the appeal, whether it is about homicide/death of a person concerned or trespassing of the property in question, clearly indicates that there is already an involvement of the police department in the matter and the same needs to be taken up by the Appellant with the concerned department and the competent civil court.

In view of the above, the appeal of the Appellant is liable to be rejected as the same cannot be taken up, being beyond the jurisdiction of this court and as such no substantive case is made out for any interference with the verdict of the Forum and the appeal is disposed off accordingly.


S.C. Vashishta
(S.C. Vashishta)
Electricity Ombudsman
14.10.2019