

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/2011/419

Appeal against the Order dated 15.03.2011 passed by CGRF—
BRPL in CG.No. 394/2010.

In the matter of:

Smt. Chandra Kanta - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent No.-1
Smt. Neena Johar & Shri Sunil Johar - Respondent No.-2

Present:-

Appellant The Appellant Smt. Chandra Kanta was present in person

Respondent Shri A.R. Ansari, DGM (B), Alaknanda, and Shri Bijumon Gerorge, DA, was present on behalf of the Respondent No. 1 – BRPL. Shri Sunil Johar & Smt. Neena Johar, Respondent No. 2, was also present.

Date of Hearing : 22.07.2011, 17.08.2011

Date of Order : 01.09.2011

ORDER NO. OMBUDSMAN/2011/419

1.0 The Appellant, Smt. Chandra Kanta, w/o Shri Jagdish Lall resident of premises bearing No.K-24-B, Ground Floor, Kalkaji, New Delhi – 110 019 has filed this appeal against the order of the CGRF-BRPL dated 15.03.2011 in C.G. No.394/2010 regarding installation of a new meter No. 21241142 for the use of the third floor of premises No.K-24-B,



Kalkaji Colony, New Delhi, in the name of Shri Sunil Johar & Smt. Neena Johar, by the Discom-BRPL.

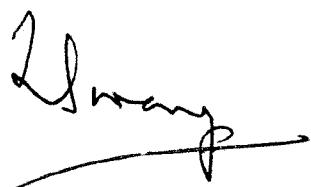
- 2.0 The background of the case as per the records is as under:
- 2.1 The Appellant filed a complaint before the CGRF-BRPL that a new meter No.21241142 had been installed on the ground floor for the use of the third floor of the premises, in the name of Shri Sunil Johar & Smt. Neena Johar, and this was in violation of the Rules & Regulations.
- 2.2 The CGRF after hearing the parties upheld the installation of the new connection and meter, since the commercial and technical formalities for grant of a new connection had been complied with.
- 2.3 The Appellant, not satisfied with the above order of the CGRF-BRPL, has filed this appeal dated 08.04.2011 on the following grounds:
 - (a) Sanction of the new connection was for the specific purpose of regularizing the construction on the third floor.
 - (b) The owner of the Second Floor already had one meter, and had taken the present connection for commercial gain.
 - (c) The documents submitted to the BSES-BRPL had not been scrutinized properly. The Discom had given incorrect facts about the location of the meter that it had been installed on the third floor, whereas in actual fact it had been installed on the ground floor. The Appellant

has requested for immediate removal of the meter from the ground floor.

2.4 On the Appellant's appeal, para-wise comments of the Respondent were called for. It was stated by the Respondent that the new electricity connection had been sanctioned to Shri Sunil Johar & Smt. Neena Johar after completion of the required commercial and technical formalities, and as per the provisions of the Delhi Electricity Supply Code & Performance Standard Regulations 2007 (DESE & PSR – 2007). Further, the meters for all the floors were located at the ground floor only, at a common space for meters. Clarification was also sought in order to confirm that the new connection sanctioned for the third floor was an un-electrified premises i.e. without a electricity connection, since it was noted that the sale deed at para 10 stipulated "That the said portion of the said property has been provided with a separate DVB/BSES electricity meter for the exclusive use of the Vendees".

It was confirmed by the Respondent that at the time of application for the new connection for the third floor, the following three connections/meters were already installed at the premises, details of which are as under:

- (i) Meter No.24021012 for the ground floor in the name of Smt. Chander Kanta.
- (ii) Meter No.24031978 for the first floor in the name of Shri Satish Khosla & Smt. Kiran Khosla.
- (iii) Meter No.24020796 for the second floor in the name of Shri Sunil Johar & Smt. Neena Johar.

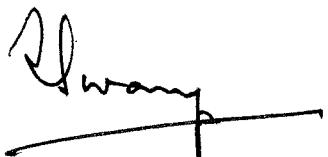


There was no connection/meter for the third floor in this building, as such, a new connection was sanctioned and installed for the third floor, after completion of all requisite commercial formalities by the applicant.

Notices were issued to the Appellant, Smt. Chander Kanta, Respondent No.1 (Discom), and also to Respondent No.2 (Shri Sunil Johar & Smt. Neena Johar) for a personal hearing on 22.07.2011, who were impleaded being the affected parties.

3.0 On 22.07.2011, the Appellant Smt. Chander Kanta was present in person. Respondent No.1 was represented by Shri A.R. Ansari – DGM (B) ALN, Shri Bijumon George – Dealing Assistant. The Respondent No.2 Shri Sunil Johar & Smt. Neena Johar were not present despite service of notice.

Both the parties argued their case. The Appellant stated that the third floor construction was unauthorized and no connection should be given unless the building was constructed as per the approved plan. The Respondent stated that the connection was granted since all commercial formalities prescribed were completed and the construction was within the 15 meter height stipulated. The Respondent was directed to also seek the sanctioned building plans from the owner for their record, and to ensure that the building was safe and as per the sanctioned plan before continuing the connection. The case was fixed for further hearing on 17.08.2011



4.0 Meanwhile, the Respondent No.2 Shri Sunil Johar & Smt. Neena Johar filed a written reply alongwith a copy of the Sale Deed and necessary supporting documents substantiating their bonafides, which were also forwarded to the Respondent No.1 and the Appellant for their response.

5.0 On 17.08.2011, the Appellant Smt. Chander Kanta was not present. She informed telephonically that she had sent her submissions in writing. These were taken on record and copies were given to the Respondent No.1 and 2. The Respondent No.1 – Discom was represented by Shri A.R. Ansari – DGM (B) ALN, Shri Bijumon George – Dealing Assistant. The Respondent No.2 Shri Sunil Johar & Smt. Neena Johar were also present. The Respondents No.1 & 2 were heard. The Respondent No.1 stated that for granting the connection on the third floor, they had followed the DERC Regulations and had not scrutinized the sanctioned building plan as this was not mandatory. The Respondent No.2 – Shri Sunil Johar stated that the third floor was built up at the time of purchase and they had not put up any unauthorized construction. The electricity and water were being drawn from the ground floor earlier and now they had only applied for separate connections, which was for the sake of facility. The Appellant was a party to the sale transaction and had been giving electricity to the third floor earlier, and had not objected to the use of electricity for the third floor for all these years.

6.0 From the documents placed on record, it is observed that the Appellant had been depositing property tax in the previous years in the name of her mother, Smt. Sumitra Devi for the third floor, and had also been allowing use of electricity from her connection on the ground floor for the third floor. The third floor had been duly purchased and registered with the Sub Registrar V, Delhi/New Delhi on 04.05.2010, in the name of Shri Sunil Johar and Smt. Neena Johar and the new connection had been provided by the Discom after the owners had completed all the commercial / technical formalities as required under the Delhi Electricity Supply Code and Performance Standard Regulations 2007. The objections now raised by the Appellant to use of electricity through a new connection for the third floor on the grounds that the construction is unauthorized, are therefore not valid.

Accordingly, no change in the CGRF-BRPL's Order dated 15.03.2011 is warranted.

The Appeal is disposed of accordingly.

1st September 2011


(SUMAN SWARUP)
OMBUDSMAN