

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/2012/462

Appeal against Order dated 17.11.2011 passed by CGRF-BYPL in complaint No.225/09/11.

In the matter of:

Smt. Neelam Devi

- Appellant

Versus

**M/s BSES Yamuna Power
Ltd.**

- Respondent No. 1

Smt. Maya Verma

Respondent No. 2

Present:-

Appellant **The Appellant was represented by her son Shri Satish Kumar.**

Respondent **Shri Aniruddha Arya, DGM (Business), Krishna Nagar Division, Shri Vijendar Kumar, Account AG-I, and Shri Ravinder Singh Bisht AG-II, attended on behalf of Respondent No. – 1**

Smt. Maya Verma, Respondent No.2, was present, in person.

Date of hearing : 16.02.2012

Date of Order : 02.03.2012

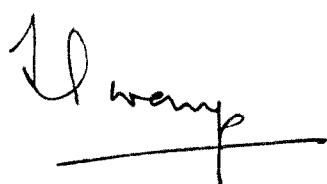
ORDER NO.: OMIBUDSMAN/2012/462

- 1.0 The Appellant, Smt. Neelam Devi, w/o Shri Jai Pal Singh, R/o H.No.96, Village Ghondly, Krishna Nagar, Delhi-110051, has filed this appeal against the order of the CGRF-BYPL dated 17.11.2011 in Complaint No.225/09/11 in the matter of Smt. Maya Verma vs. BSES Yamuna Power Ltd., requesting for staying the release of a new electricity connection in favour of



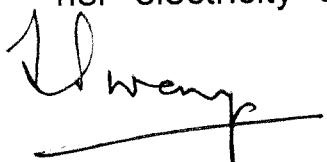
Smt. Maya Verma, as per the CGRF's order, as she is the owner of property bearing House No.107, Village Ghondly, Krishna Nagar, Delhi-110051, and has not given any NOC to Smt. Maya Verma who was a tenant of Smt. Neelam Devi.

- 2.0 The background of the case as per the records is as under:
- 2.1 The Appellant filed an appeal on 10.01.2012 in this Office against the CGRF-BYPL's order dated 17.11.2011 in the matter of Smt. Maya Verma vs. BYPL requesting for grant of stay for release of a new electricity connection of 1 KW for domestic purposes, in favour of Smt. Maya Verma against the security deposit of Rs.2,400/- vide Pay-in-Slip dated 13.12.2011 issued by the BYPL. The Appellant has contended that the CGRF-BYPL passed the said Order without impleading her as a party or giving her a chance to place all facts before the CGRF. The CGRF has ordered release of a new electricity connection in favour of Smt. Maya Verma without an NOC from her, although she is the owner of the said property.
- 2.2 The Appellant had also filed a suit before the Civil Court, Karkardooma titled "Smt. Neelam Devi vs. Maya Verma & Ors.", which she subsequently withdrew on 19.01.2012 from the Court of Shri Akash Jain, Civil Judge vide C.S. No.8/12, and she has submitted a letter on 19.01.2012 requesting for consideration of her appeal by this Forum.
- 2.3 According to the Appellant, she is the owner of the property bearing No.107, Village Ghondly, Krishna Nagar, Delhi – 110051,

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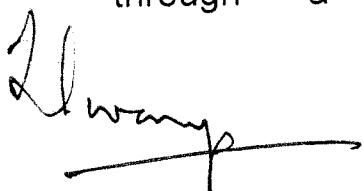
by virtue of registered General Power of Attorney, Agreement to Sell, Affidavit, Receipt of Rs.3,50,000/- and Possession Letter, all executed on 24.09.2001 by the previous owner, Shri Gajai Singh S/o Shri Munshi Singh, Smt. Maya Verma, who applied for a new electricity connection vide application No. 8000140759 dated 13.07.2011 and deposited Rs.2,400/- as Security Deposit, was a tenant of the earlier owner, of only one room situated on the second floor, forming part of property bearing No.107, Ghondly Village, Krishna Nagar, Delhi-110051, at a monthly rent of Rs.450/- per month, excluding the electricity charges.

- 2.4 The Appellant had already sent a Legal Notice dated 08.02.2012 through M/s SR Law Associates to Smt. Maya Verma for handing over peaceful vacant possession of the said one room situated at the second floor.
- 2.5 According to the DISCOM, Smt. Maya Verma, the Appellant before the CGRF, did not approach the appropriate authority, and the present complaint was barred by Sub-Regulation (2) of Regulation 7 of DERC (Guidelines for establishment of Forum for Redressal of Grievances of the Consumer and Ombudsman) Regulations, 2003. The Discom stated that Smt. Maya Verma gave a false verification/undertaking in her complaint under Regulation 8 (1) of DERC Regulation, 2003.
- 2.6 The Discom also stated that during Technical and Commercial feasibility, it was found that enforcement bills amounting to Rs.13,172/- in the name of Smt. Neelam Devi, were pending in her electricity account vide BP No.900909891 for the same



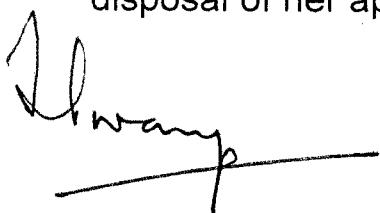
premises and also there was a dispute over ownership and possession of the property, as per email dated 13.07.2011 sent to Smt. Maya Verma.

- 2.7 The Discom contended that Smt. Maya Verma, as a tenant, neither provided any tenancy documents i.e. lease deed or rent agreement nor any NOC from the owner of the property except the NOC dated 18.07.1995 given by Shri Gajai Singh, the erstwhile owner of the said property, which was not valid as the Hon'ble ARC passed an eviction order dated 04.08.1995 in favour of Shri Gajai Singh, vide No.Ex.25A/95 in the matter of Maya Verma vs. Gajai singh.
- 2.8 The Discom again contended that in the order of the Hon'ble High Court in CRP 901/1998 & CM APPL. 17018/2005 decided on 03.04.2006 in the matter of Maya Verma vs. Gajai Singh, it has been observed, that during the pendency of the petition the landlord Shri Gajai Singh sold the premises and thereafter nobody was contesting the petition, and the petition was allowed due to change in circumstances. The present owner Smt. Neelam Devi was not a party in the case.
- 2.9 As per direction of the CGRF-BYPL, the DISCOM stated in their Inspection Report dated 01.11.2011 that Smt. Maya Verma was residing only in one room on the second floor of the building without any electricity supply in her portion of the premises, and the rest of the premises bearing house no.107, Village Ghondly, Krishna Nagar, Delhi-110051, was being supplied electricity through a non-domestic connection bearing CRN



No. 1220097398 (CA No. 100843287) with a sanctioned load of 3 KW, energized on 08.06.1976 in the name of Shri Ravi Kumar (meter no. 23501269).

- 2.10 The CGRF-BYPL observed that Smt. Maya Verma had submitted documents i.e. a copy of the ration card, a copy of voter ID card and a copy of the Hon'ble High Court's Order dated 03.04.2006 showing her to be in physical possession of the one room in the said property.
- 2.11 The CGRF-BYPL after hearing both the parties, on the complaint of Smt. Maya Verma vs. BYPL, vide its Order dated 17.11.2011 in Complaint No. 225/09/11, ordered for release of a new connection in the name of Smt. Maya Verma, after the Respondent company stated that they were ready to release the demand note provided the Appellant paid Rs. 2,400/- as security deposit. The Appellant, Smt. Maya Verma, agreed to pay the security deposit amount and the Respondent Company agreed to issue the demand note within next three days. The owner of the property Smt. Neelam Devi was however not impleaded as a party nor given a fair hearing.
- 2.12 The Appellant, Smt. Neelam Devi, learnt of the CGRF's order when the Respondent visited her premises. Not satisfied with the above order of the CGRF-BYPL, she has filed this appeal on 19.01.2012 and has prayed that the Order of the CGRF-BYPL dated 17.11.2011 should be quashed and release of a new electricity connection in favour of Mrs Maya Verma stayed till the disposal of her appeal.

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3.0 After receipt of the CGRF-BYPL's records and the para-wise comments from the Discom, the case was fixed for hearing on 16.02.2012. A notice was also issued to Smt. Maya Verma, being the complainant before the CGRF, and one of the affected parties.

On 16.02.2012, the Appellant, Smt. Neelam Devi, was represented by her son, Shri Satish Kumar. The Respondent No.1 – the DISCOM, was represented by Shri Aniruddha Arya – DGM (Business), Div.-Krishna Nagar, Shri Vijender Kumar – Accts. Asstt. (G-I) and Shri Ravinder Singh Bisht – AG-II, BYPL. Smt. Maya Verma, complainant before the CGRF-BYPL, was present in person in response to notice issued to her. All the three parties were heard.

3.1 The Appellant, Smt. Neelam Devi stated that she was not impleaded as a party by the CGRF-BYPL, nor given any hearing, although she is the owner of the property bearing No.107, Village Ghondly, Krishna Nagar, Delhi -110051, and was being affected adversely. The order of the CGRF was passed without taking into account the fact that Smt. Maya Verma was neither the owner nor a legal tenant. The Respondent No.1 stated that they had stayed installation of the connection as per the CGRF's Order, in view of the interim orders from the Ombudsman. Smt. Maya Verma stated that she was residing in one room on the second floor for a long time and was taking electricity from Shri Gajai Singh, the former owner of the building till 2001, when the building was sold to Smt. Neelam Devi. Thereafter the room on

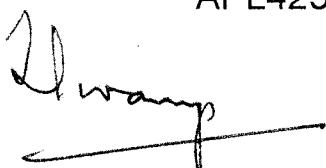
second floor was locked and in disuse. She was residing on the second floor in one room, since 2005. After hearing all the three parties, they were asked to file the following documents by 23.02.2012:

- a) Ownership documents by Smt. Neelam Devi.
- b) K. No files of all the connections, including the disconnected connection, to be produced by the DISCOM.
- c) All the documents relating to the legal occupancy/tenancy by Smt. Maya Verma.

The arguments were closed.

3.2 The e-mail dated 24.02.2012 from Shri Aniruddha Arya - DGM (Business), Divn. Krishna Nagar, BYPL states that despite their best efforts made to trace the K. No. files, these were not traceable in the records of the licensee.

4.0 From the perusal of the documents submitted by Smt. Neelam Devi and Smt. Maya Verma, it can be concluded that Smt. Neelam Devi is the owner of the subject premises, and has issued a notice to Smt. Maya Verma for vacating the portion consisting of one room on the second floor given to Smt. Maya Verma by the erstwhile owner, Shri Gajai Singh. The site inspection by the DISCOM also confirms that only one room in the premises is in possession of Smt. Maya Verma. Other papers also show her residential address to be the same such as a copy of the Voter ID Card bearing No.KKX1102177 dated 03.12.2005, and a copy of Ration Card bearing No. APL42320354 issued in year 2005.



4.1 In view of the facts placed on record, it is evident that the CGRF-BYPL's Order dated 17.11.2011, for sanctioning a new separate domestic connection to Smt. Maya Verma without a "No Objection Certificate" from the present owner, Smt. Neelam Devi, who has issued a notice to Smt. Maya Verma for vacation of the portion of the premises, is not in order. Smt. Neelam Devi was also not given an opportunity to be heard, before the decision was taken by the CGRF. Besides, the one room in occupation of Smt. Maya Verma on the second floor, cannot be regarded as a separate residential unit, warranting grant of a separate electricity connection. Earlier also Smt. Maya Verma was drawing electricity from the connection sanctioned to the previous owner, Shri Gajai Singh under a private arrangement. The order of the CGRF-BYPL dated 17.11.2011 is therefore set-aside. Smt. Neelam Devi should clear all pending dues against the disconnected or live electricity connections in the premises. She should seek transfer of the non-domestic connection in the name of Shri Ravi Kumar to her name, and use the supply only for non-domestic purposes.

5.0 The appeal is disposed off accordingly. The Compliance Report of this order may be submitted within 21 days.

2nd
March 2012.

Suman Swarup
(SUMAN SWARUP)
OMBUDSMAN