

**OFFICE OF 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 No.: 011-26144979)

**Appeal No. 48/2023**

(Against the CGRF-TPDDL's order dated 16.10.2023 in C.G No. 73/2023)

**IN THE MATTER OF**

Shri Abdul Salam

Vs.

Tata Power Delhi Distribution Limited

**Present:**

Appellant: Shri Abdul Salam along with Shri M.M.Kashyap, Ms. Poonam Seth and Ms. Monika, Advocates

Respondent (1): Shri Ajay Joshi, AGM (Legal) and Shri Saurav Sharma, Senior Executive, on behalf of the TPDDL

Respondent (2): Smt. Devendri Devi represented by her husband Shri Naresh Kumar

Date of Hearing: 24.01.2024

Date of Order: 25.01.2024

**ORDER**

1. Appeal No. 48/2023 has been filed by Shri Abdul Salam, R/o House No. 832, Gali No. 21/4, Shiv Kunj, Sant Nagar, Burari, Delhi – 110084, through Shri M.M. Kashyap, Advocate, against Consumer Grievance Redressal Forum-Tata Power Delhi Distribution (CGRF-TPDDL)'s order dated 16.10.2023 in CG No. 73/2023.

2. The background of the case is that the Appellant approached the CGRF-TPDDL for disconnection of an electricity connection bearing CA No. 60030778959 installed at premises No. 847, Khasra No. 141/22, Ground Floor, Block-B, Gali No. 21/4, Shiv Kunj, Sant Nagar, Burari, Delhi – 110084, registered in the name of Smt. Devendri Devi, w/o Shri Naresh Kumar. This connection was installed by Discom on 01.04.2023. The Appellant claimed that the said premises was purchased by him on 16.07.2019, after he made a



payment of Rs.16.00 lakh and became the owner of the property. In this regard, the Appellant submitted before the CGRF all the documents, viz., General Power of Attorney, Agreement to Sell, Affidavit, Possession Letter and Receipt, in his favour executed by Shri Naresh Kumar, husband of Smt. Devendri Devi.

3. The Appellant further contended that an electricity connection bearing CA No. 60025362082 registered in the name of Smt. Devendri Devi was removed on 04.02.2023 by the Discom on his request, which shows that Smt. Devendri Devi is no longer the owner of the premises. The Appellant also alleged that the lower staff of the Discom illegally installed the connection bearing No. CA No. 60030778959 in the name of Smt. Devendri Devi, who has no right and is also not the owner of the above-mentioned premises.

4. In his rejoinder, before the Forum, the Appellant submitted that this is not a property related dispute and, Smt. Devendri Devi has no locus standi to get the electricity connection. In fact, Smt. Devendri Devi sold the property to her husband, Shri Naresh Kumar during 2004. Subsequently, Shri Naresh Kumar sold the property to him (Shri Abdul Salam) on 16.07.2019 after the execution of all the documents in his favour. The connection, in question, was installed in his absence. Moreover, the security amount of Rs.7,777.76 on account of the removal of connection bearing CA No. 60025362082, which was disconnected on 04.02.2023, has been transferred in the Appellant's account on 22.02.2023, for which request was made by him.

5. However, Smt. Devendri Devi, submitted before the Forum that she is the sole owner of the property and is in possession of subject property measuring 61 sq. yards. An electricity connection bearing CA No. 60000438014 existed since 2003 in her name and was surrendered in August, 2019. She obtained a temporary connection bearing CA No. 60025362082 on 30.08.2019 for reconstruction on the property, which was disconnected on 04.02.2023. Later on, a new connection, in question, was obtained on 01.04.2023 in her name. Smt. Devendri Devi also submitted that the complainant (Shri Abdul Salam) as well as her husband, Shri Naresh Kumar filed a civil case in Tis Hazari Court vide Case No. 1305/2022 and 556/2023 on 12.05.2022 and 10.03.2023 respectively. Smt. Devendri Devi also submitted that her husband (Shri Naresh Kumar) has not sold the property to Shri Abdul Salam (the appellant before this Court). He has forged the property documents for which they have filed a suit in court of law.

6. The Discom, in its reply dated 24.07.2023 to the Forum stated that Smt. Devendri Devi had applied for a new connection vide Notification No. 2032865214 on 14.02.2023 and submitted all the requisite documents, viz., an Aadhar card bearing the address where connection was sought, i.e., House No. 847, Gali No. 21/4, Shiv Kunj, Sant Nagar, Burari, Delhi -110084, General Power of Attorney executed on 09.06.2004 by Smt. Devendri Devi in favour of Shri Naresh Kumar (husband of Smt. Devendri Devi), a 'No Objection Certificate' rendered by Shri Naresh Kumar in favour of Smt. Devendri Devi, and an



Indemnity Bond executed by Smt. Devendri Devi. As such, the Discom requested the Forum to make Smt. Devendri Devi, the 'Registered Consumer' of the connection in question, a necessary party in this case.

7. The Discom further submitted that prima facie, this is a property related dispute, and the issue of electricity is being made a instrument to settle their property dispute. As per Regulation 10(1)(vi) of DERC's Supply Code, 2017, - "the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or titles over the premises." The Discom further submitted that in response to Appellant's complaint dated 02.06.2023, they sent him a letter dated 08.06.2023 mentioned therein if he has any stay order from the court against a new connection installed at the premises, he should provide the same so that appropriate action could be taken.

8. Regarding the disconnection of CA No. 60025362082, the Discom submitted that the said electricity connection was sanctioned in the name of Smt. Devendri Devi for domestic light (long-term temporary connection) and was energized on 30.07.2019 and, thereafter, removed on 04.02.2023.

9. The CGRF, in its order, observed that ownership/title of immovable property and its transfer is only through a registered Sale Deed. Unless the title of the property is decided by the competent court, it cannot be said that the owner of the property has transferred it to the complainant. Moreover, mere electricity connection does not confer any right and title over the premises. Admittedly, the property is in the possession of Smt. Devendri Devi, and as electricity is an essential necessity of life, she cannot be deprived of it. Accordingly, the CGRF dismissed his complaint.

10. Aggrieved by the order dated 16.10.2023 passed by the Forum, the Appellant preferred this appeal and reiterated his submission as before the Forum, with a request to direct the Discom to remove the electric meter bearing CA No. 60030778959 illegally installed in the name of Smt. Devendri Devi.

11. The Discom, in its reply dated 21.11.2023 to the appeal, reiterated its stand as before the CGRF-TPDDL. In addition, the Discom submitted that it has acted strictly in accordance with Regulations 2(7) and 10(3) of the DERC (Supply Code and Performance Standards) Regulations, 2017.

12. The appeal was admitted and fixed for hearing on 24.01.2024. During the hearing, the Appellant was present along with Advocates Shri M.M.Kashyap & Others, Respondent No. - 1, was represented by its Authorized Representatives/Counsels and Smt. Devendri Devi, Respondent No. 2, was represented by her husband Shri Naresh Kumar. An opportunity was given to all the parties to plead their case at length.

13. During the course of the hearing, the Counsel for the Appellant reiterated his submissions and emphasized that after the purchase of the property on 16.07.2019, the same was let out to "Naresh Kumar" under a verbal tenancy of Rs.10,000/- per month. The rent was regularly paid by Respondent No.2, till March 2022. On being asked, is there any proof of rent receipt available, which the Appellant has denied. When further asked, after the purchase of the premises on 16.07.2019 from Shri Naresh Kumar, whether the installation of a long-term temporary connection on 30.07.2019 in the name of "Devendri Devi" was in his knowledge, the Appellant answered in positive. Also, the Appellant could not give a convincing response to a query on why he had allowed Smt. Devendri Devi to obtain a temporary connection in her name in 2019 instead of installing it in his name. The Counsel of the Appellant asserted that the CGRF's order did not consider Regulations 2 (7) as well as 10 (3) of the DERC Supply Code 2017, therefore, did not examine the matter in proper perspective. Regarding the civil case, it was submitted that one case was filed by the Appellant related to the grant of a permanent injunction, while the other was filed by the opposite party for claiming ownership of the property and referring to forgery of documents.

14. The Representatives for the Respondent No.1 (TPDDL) reiterated their submissions as in their reply dated 21.11.2023, but, could not give a satisfactory reply to a query about how a new connection was released in the name of Smt. Devendri Devi on 01.04.2023, after having recognized Shri Abdul Salam as the owner of the property based on the chain of the documents submitted by him and transferring the security deposit of an earlier connection installed at the same property amounting to Rs.7,777.76 to Shri Abdul Salam, particularly when the condition of Regulation 10 (3) was not satisfied.

15. However, Shri Naresh Kumar appearing on behalf of Smt. Devendri Devi (Respondent No. -2), denied the allegations made by the Appellant.

16. This Court has heard the contentions of all the parties, have gone through the appeal, written submissions by all the three parties and is of considered opinion that sale transaction of property of plot of 61 sq. yards out of Khasra No. 141/22 by Smt. Devendrari Devi in the name of her husband Shri Naresh Kumar on 09.06.2004, for Rs.1,25,000/- and further sale transaction by Shri Naresh Kumar in favour of Shri Abdul Salam on 16.07.2019 for Rs.16 lakhs is a matter on record. There was no title of Devendri Devi, when connection was installed in her name on 01.04.2023. The requirement of Regulation 10(3) of DERC (Supply Code and Performance Standards) Regulations, 2017, was not satisfied. The Discom itself recognized the transaction on 16.07.2019, about sale of property to Shri Abdul Salam along with the chain of documents, which formed basis of transfer of the security deposit amount of Rs.7,777.76, in the name of Abdul Salam, after the disconnection and removal of temporary meter on 04.02.2023. The obtaining of the new connection in April, 2023 on



the basis of the 'NOC' from husband and indemnity bond was in violation of the Provision of Regulation 10(3) and in suppression of the above mentioned documents on record.

17. In view of above, this court, therefore, directs as under:

(a) A new connection be installed in the name of Shri Abdul Salam after completion of all commercial formalities.

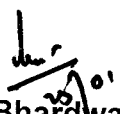
(b) The connection released in April, 2023 in the name of Smt. Devendri Devi based on inadmissible documents be disconnected with removal of the meter only after release of the connection and subsequent installation in the name of Shri Abdul Salam.

(c) The ownership of the electricity connection could be reviewed, after a decision by the Civil Courts in the two pending cases Nos. 1305/2022 and 556/2023.

(d) A vigilance enquiry be ordered by the CEO to find out the circumstances under which the connection was released in the name of Smt. Devendri Devi in 2019 as well as in 2023, in violation of the Regulation 10(3) of the DERC (Supply Code and Performance Standards) Regulations, 2017.

(e) Action taken report be submitted to this office within thirty (30) days of receipt of this order.

The appeal stands disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
25.01.2024