

**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. 8/2019**

(Against the CGRF-BRPL's order dated 21.02.2019 in C.G. No. 175/2018)

**IN THE MATTER OF**

**Smt. Manorama Gaur**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

**Appellant:** Shri Avadh K Gaur, husband of Smt. Manorma Gaur, the Appellant

**Respondent:** Shri Satheesh Kumar, DGM, Shri Sudarshan Bhattacharjee, Manager, Ms. Nikita Sachdeva, Manager and Shri Deepak Pathak, Advocate on behalf of BRPL

**Dates of Hearing:** 17.05.2019

**Date of Order:** 22.05.2019

**ORDER**

1. The appeal No. 8/2019 has been filed by Smt. Manorma Gaur through her husband, Shri Avadh Kishore Gaur, against the order of CGRF-BRPL dated 21.02.2019 passed in CG No. 175/2018. The issue concerned in the Appellant's grievance is regarding the wrong & illegal transfer of her electricity connection by the Discom (Respondent) in the name of one Shri Sachita Kumar without her consent.

2. In the instant appeal, the Appellant has disputed the change of name of her electricity connection bearing CA No. 102220815 carried out by the Discom during November, 2014 in the name of one Shri Sachita Kumar without her permission and consent. The said electricity connection bearing CA No. 102220815 is installed at her residence at Ground Floor of A-243, Chattarpur Enclave, Phase II, New Delhi - 110074. She approached the Discom in the month of September, 2018 disputing the change of name of the connection by them in the year 2014 but since she did not get any relief from the Discom and hence approached the CGRF with a request to get the electricity connection transferred again back in her name.



In her appeal she has submitted and explained a chain of property exchanges on ground floor, first floor and second floor, etc. of the building carried out by her in the past, in order to bring home her point that the name of her electricity connection has been changed by the Discom on wrong perception and without taking any prior permission and consent from her, which they were supposed to take as per regulations before transferring the same in the name of Shri Sachita Kumar. In order to come to some conclusion there is a need to examine and understand the chain of exchange of properties mainly at ground floor of the building and the basis on which name change/transfer of connection was carried out by the Discom. As per the submissions made by the Appellant and on the basis of site inspection got carried out by the CGRF, the chain of property transfer in brief is as given below:

"As per chain of the property documents Smt. Manorama Gaur i.e. the Appellant executed property papers pertaining to entire first floor and a portion of ground floor in favour of one Shri Praveen Gautam and Shri Avadh K. Gaur was one of the witness. Subsequently, Shri Praveen Gautam executed similar property documents in favour of Shri Harminder Singh Bhalla on 07.09.2013 and in these property documents also Shri Avadh K Gaur with Shri Sachita Kumar were witness. Shri Harminder Singh Bhalla further on 10.07.2014 executed similar property documents in favour of Shri Sachita Kumar regarding only one room on Ground Floor, attached toilet, South West corner with extended wooden structure and one common bathroom in parking area, along with car parking space in front of the room. Later on Shri Sachita Kumar admittedly has further constructed fourth and fifth floor on the said property and is in possession of the same. As on date there are two portions on the ground floor of the five-storied building and both these portions have two separate entries. South west portion belongs to Shri Sachita Kumar and the other side belongs to the Appellant. The portion of Shri Sachita Kumar comprises of a Room, Joint Bathroom, Kitchen and open space".

3. In view of the above, the Appellant has stated that, either the seller Shri Harminder Singh Bhalla should have given the light connection to the purchaser Shri Sachita Kumar from his electricity connection or Shri Sachita Kumar should have taken a new connection from the Discom at that point of time in November, 2014. But instead Shri Sachita Kumar got the name of her connection at ground floor transferred in his name with the help of the Discom authorities without any intimation or any permission from her. The Appellant has also submitted that now as per the new agreement in the year 2016 with Shri Sachita Kumar, she has purchased the entire ground floor from him and is residing there without any electricity connection since the ground floor connection which was transferred in the name of Shri Sachita Kumar is feeding his upper floors built by him later on. However, she submitted that the sale-deed for the portion of the ground floor purchased back by her from Shri Sachita Kumar has still not been executed by them. She admitted to the fact that she did not object to the change of name of her connection during the last about four years since she was using the first floor light connection for her ground floor portion with the mutual consent of each other but since now she



owns and is residing in the entire ground floor after an agreement with Shri Sachita Kumar vide which she has purchased the entire portion of ground floor, she needs the ground floor electricity connection to be transferred by the Discom back in her name. She also objected to the electricity connection of ground floor being used by Shri Sachita Kumar for his fourth & fifth floors for the last two years, which is illegal and yet the Discom is allowing the same and not objecting to this illegal activity of Shri Sachita Kumar.

The Appellant has preferred this appeal, since her plea was dismissed by the Forum and hence she has prayed that the connection at the ground floor be got transferred back in her name as she is now the genuine owner of the complete ground floor.

4. The Discom's version of events is that the Appellant has alleged that her electricity connection bearing CA No.102220815 installed at the address A-243, Ground Floor, Chattarpur Enclave, Phase - 2, New Delhi was got illegally transferred in the name of Shri Sachita Kumar, now having new CA No. 151335641 in the month of November, 2014. It is pertinent to mention here that as the Appellant has raised the complaint only after a lapse of about four years and such a delay raises a presumption against the Appellant about her acquiescence, acknowledgement and consent hence it can be assumed that the same was done with the consent of the Appellant. Further, the name transfer of the connection had been carried out by the Discom after completion of all the commercial formalities by the incumbent consumer Shri Sachita Kumar and there is no illegality and infirmity in the said transfer. The site inspection was also got carried out, as per the directions of the Forum, to ascertain the actual status of the building and assess the facts and in turn to verify the position of various electricity connections feeding different floors/portions of the building in question.

The Appellant executed GPA in favour of Shri Praveen Gautam in respect of entire first floor and one room at south west corner on ground floor along with one car parking space, separate electricity and water connections and who in turn sold out the same to one Shri Harminder Singh Bhalla. Further, the latter executed the GPA in favour of Shri Sachita Kumar in respect of one room on ground floor along with attached toilet at south west corner, with extended wooden structure and one common bathroom in parking area along with car parking space in front of the room. Discom further mentioned that in order to ascertain the authenticity of the papers a show-cause notice was served on Shri Sachita Kumar, who in turn appeared in person with his reply and ownership documents in original along with complete chain of documents for the transfer of property of ground floor. The copies of same set of documents have also been submitted by the Discom with their submission for reference and record. They did not find any discrepancy and the transfer of name of the connection has been done in accordance with the provisions of law since the transferee of the connection, viz Shri Sachita Kumar is the rightful owner and has chain of documents of the ownership. Also, the present case of the Appellant is not regarding the forged or fabricated documents and as such there is no ground for not transferring the connection in the name of



Shri Sachita Kumar. Discom further argued that it is primarily a case of property dispute which can be agitated only in the civil court by the Appellant. The Discom also countered the contention of the Appellant that she has never sold his connection to any one, since electricity connection cannot be sold or purchased by any one and the same is not right in the eyes of law and when once the Appellant has sold the property to someone then her consent is not required for transfer of name of the said connection associated with that property. In the final submission the Discom pleaded that Shri Sachita Kumar has been paying the bills regularly since the transfer of connection in his name in November, 2014 and the Appellant has raised the issue only after about four years hence she cannot agitate now regarding the same point due to law of estoppel and the limitations.

In addition to above, as regards the request of the Appellant for transfer of ground floor connection back to her on the plea that she has purchased back the ground floor portion from Shri Sachita Kumar, the Discom submitted that no documentary proof of possession and acquisition has been submitted by her and hence they cannot transfer the same back in her name. As soon as the required property documents in respect of complete ground floor are submitted by the Appellant, Discom will take the required action on the basis of the same however as per regulations. Further, with regards to the unauthorized use of electricity connection of ground floor by Shri Sachita Kumar for his 4<sup>th</sup> & 5<sup>th</sup> floor portion, their Enforcement Department has already taken action against the consumer.

In view of the above submission, it has been prayed by the Discom that the present appeal is without any merit and deserves to be dismissed and prayed accordingly.

5. After hearing both the parties and going through the material on record, the basic issue which needs to be decided is whether the change of name of the electricity connection bearing CA No. 102220815 from that of Appellant to Shri Sachita Kumar has been carried out by the Discom in accordance with the regulations and proper verification or not. The ownership trail of ground floor of the property in question clearly moves from the original owner and registered consumer (RC) of the electricity connection Smt. Manorama Gaur through Shri Praveen Gautam to Shri Harminder Singh Bhalla and finally to Shri Sachita Kumar in the year 2014. The latter, Shri Sachita Kumar applied for transfer of connection at the ground floor of the property in his name on the basis of property documents in the same very year and the Discom transferred the ground floor connection in his name in the year 2014 itself.

It is pertinent to note here that the Appellant raised the issue of change of name of connection after about four years in September, 2018 only and such a delay raises a presumption against the Appellant about her acquiescence, acknowledgment and consent for the same. It is also observed that there are three electricity connections existing in the building which were being shared haphazardly among the residents of various floors of the building



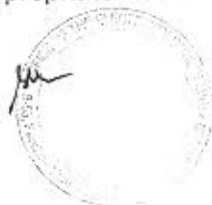


by mutual consent and some kind of understanding. The whole problem seems to have started when the owner of the first floor took connection in his own name and stopped sharing his connection with ground floor portion of the Appellant and since the other part of the ground floor was already in the name of Shri Sachita Kumar, the Appellant was left without any connection on her name in spite of having possession of third floor and part portion of the ground floor. To add to the woes, the Appellant was also denied the new connection on the part portion owned by her on the ground floor by Discom, due to the reason that the height of the building has gone more than 15 meters after the construction of fourth and fifth floor by Shri Sachita Kumar and the new connection cannot be released in the building as per the extant regulations and provisions of law.

Now coming back to the issue of transfer of connection from that of Appellant to Shri Sachita Kumar, the Discom has carried out the change of name rightly on the basis of trail of property documents submitted by Shri Sachita Kumar and also after due verification and authenticity of the documents produced by him and ascertaining the factual position regarding the ownership of the property. Since the connection was got changed by Shri Sachita Kumar in his name in the year 2014 itself, immediately after the purchase of the property from the Appellant, so the contention of the Appellant that she came to know about the change of name of the connection only recently is an afterthought and cannot be sustained. Further, as admitted by the Appellant in her submission that she was using first floor electricity connection with mutual consent for her ground floor portion for all these about four years which clearly indicates her acquiescence to the change of name of the connection to that of Shri Sachita Kumar. The change of name should have been objected to by her in the year 2014 itself and also since the Discom has carried out the change of name on the basis of property documents in accordance with the regulations governing change in name, hence the arguments of the Appellant that the same has been changed without permission from her cannot be accepted at such a belated stage.

The contention of the Appellant that she never sold her connections to anyone also does not hold good in the eyes of law since electricity connection cannot be sold or purchased by anyone. The Appellant seems to be under the impression that electricity connection was her property by virtue of which she can retain her right in the portion of the building which she had otherwise sold. Since the regulations also provide that the electricity connection does not create or takes away any persons right, title or interest in the property so the argument of the Appellant as above is without any basis and is not sustainable.


The action of Discom in not transferring the name of the connection back from Shri Sachita Kumar to the Appellant for whole of the ground floor is also in order, since no legal property documents, but for a simple agreement in the year 2016, have been presented by the Appellant to authenticate that the said portion has been sold to the Appellant by Shri Sachita Kumar. Discom is however directed to take appropriate action against the unauthorized use of



the existing electricity connections in the building by the occupants/owners at their own will in a haphazard manner. In view of above, it is concluded that there is no discrepancy on the part of the Discom while transferring the connection in the name of Shri Sachita Kumar and hence the request of the Appellant to revert the connection back on her name cannot be considered.

However, during the course of hearing, the Appellant informed that she has already filed a civil suit as well as lodged a police complaint in the matter and in view of the same, it has become a case of property dispute and can be adjudicated only by the Court of Law. The parties are free to take up their grievances with the appropriate authority of the Discom for redressal after final outcome/order of the Court.

In view of above, no substantive case is made out for any intervention with the verdict of CGRF and the appeal is disposed off accordingly.

  
(S.C.Vashishta)  
Electricity Ombudsman  
22.05.2019