

94

**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)

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**Appeal No.736/2016**

**IN THE MATTER OF:**

**Shri Hans Raj Miglani - Appellant**

**Versus**

**M/s Tata Power Delhi Distribution Ltd. - Respondent**

**(Appeal against Order dated 27.01.2016 passed by the CGRF-TPDDL in CG-6873/09/15/KPM)**

**Present:**

Appellant: Shri Hans Raj Miglani, in person.

Respondent: Shri Vivek, (Sr. Manager), Authorised Representative, TPDDL

Date of Hearings: 30.03.2016, 04.04.2016, 16.05.2016, 08.06.2016

Date of Order: 09.06.2016

**FINAL ORDER**

1.0 The Appellant, Shri Hans Raj Miglani, B-71, Naraina Vihar, Phase-I, Delhi – 110028 has filed this appeal against the order of the CGRF-TPDDL dated 27.01.2016 in CG No.6873/09/15/KPM in connection with his demand for the disconnection of ten electricity connections and conversion of six meters from post-paid to pre-paid ones.

2.0 Briefly, the background of the case as per records is:-

2.1 The Appellant had filed a complaint before the CGRF-TPDDL on 08.09.2015, stating that he was the owner of the premises at 31, Community Centre, Ashok Vihar, which has ten electricity connections but being used by his tenants. He had requested for disconnection of these connections and conversion of six post-paid meters to pre-paid meters.



- 2.2 The Discom (the respondent) had submitted before the CGRF that these connections are being used by his tenants who have asked that connections be allowed to continue as they have moved different courts concerning disputes between the landlord (Shri Miglani) and these tenants. A case regarding title of the said property is presently pending before the Hon'ble High Court of Delhi in Suit No. CS(OS) No.862/2003.

The respondent has also stated that the complainant is pursuing a parallel case before the Rent Controller for the eviction of a tenant or tenants and that the outcome of this appeal may have a bearing on that case.

The respondent had further submitted that the appellant had earlier filed a case before this court, titled *Sh. Hans Raj Miglani vs. NDPL (Respondent No.1) & Shri Bhim Sen Khurana (Respondent No.2)* in which an order had been passed that, *inter alia*, the Discom may not sanction new connections or transfer any existing connections etc. since the title of the property itself was being agitated before the Hon'ble High Court of Delhi.

- 2.3 The CGRF had, after considering these facts and hearing the arguments, held that the Forum did not have the jurisdiction to entertain the case on the ground that the matter is pending before the Hon'ble High Court of Delhi.
- 3.0 Aggrieved by the said order of the CGRF, the appellant has filed the present appeal and has prayed that:
- The respondent be directed to disconnect the ten electricity connections he has mentioned and;
  - Convert six meters from post-paid to pre-paid status.
- 4.0 After listening to the arguments and having studied the documentation placed on record by the parties, it is evident that:
- 4.1 As far as the issue of disconnection of ten electricity connections is concerned, a similar case (No.382) had been filed earlier by the appellant before this very court. A detailed order had been passed on that case on 17.11.2011 in which, *inter alia*, it had been held that the Discom may not sanction any new connections or transfer any existing connections etc. since the title of the property itself was being agitated before the Hon'ble High Court of Delhi.

In view of the finding in case No.382 cited above, it would,



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therefore, not be correct to accede to the appellant's demand for disconnections till such time as clear property titles have been established through the due judicial process already underway. The beneficiaries of these connections have a basic right to an electricity supply which cannot be summarily disconnected and which, if done, may only lead to an unnecessary complication of the situation.

Insofar as his apprehension that the connections can be misused later on is concerned, it is not matter on which the Ombudsman can adjudicate upon. Mere apprehensions cannot suffice and if a cause of action does arise in the future in this regard, the appellant would have to seek the appropriate remedy provided for under applicable laws / rules.

4.2 As regard the appellant's plea for installation of pre-paid meters, it is up to the Discom to take a view on its feasibility within the framework of existing regulations on the subject and the entitlement of the applicant. The Ombudsman cannot pass any directions on this subject.

5.0 In view of the above, therefore, no substantive reason for intervention or interference with the orders of the CGRF is called for. The appeal is, accordingly, disposed off.



*Sundaram Krishna*  
**(Sundaram Krishna)**  
**Ombudsman**  
**09.06.2016**