

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-cum-Fax No.: 011-26141205)

Appeal No. 782/2017

IN THE MATTER OF:

Shri Kanwar Raj Tyagi - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 19.08.2016 passed by CGRF-TPDDL in CG No. 7157/02/16/NRL)

Present:

Appellant: Shri Kanwar Raj Tyagi

Respondent: Shri Harshendu Kumar, Sr. Manager (Legal) and Shri Amit Sharma, Senior Officer on behalf of TPDDL

Date of Hearing: 31.05.2017

Date of Order: 20.06.2017

ORDER

1. Appeal No. 782/2017 has been filed by Shri Kanwar Raj Tyagi, of H. No. 788, Burari Village, Near Shiv Mandir, Delhi – 110084 against CGRF-TPDDL's order in CG No. 7157/02/16/NRL dated 19.08.2016.

2. The Appellant has claimed in his plaint that an electricity connection (bearing CA No.6001 981 0294) has been installed illegally in favour of one Ms. Beena at his plot bearing Municipal Khasra No. 243-244 (GF), Gali No.3, Block B, Pradeep Vihar, Ibrahimpur, Delhi. His allegation is that Ms. Beena is attempting to encroach on his plot where the Appellant already has a temporary connection (CA No.6001 967 9970) installed in his favour as of 19.08.2015. According to him, his temporary connection and the illegal connection of Ms. Beena are both receiving their supply from the same pole. His plaint before the CGRF for the disconnection of Ms. Beena's connection had been dismissed by the Forum on the ground that the matter pertained to a property dispute and the matter was already sub-judice in the Court of the Sub-Divisional Magistrate, Alipur – a fact which the Appellant had not disclosed before the Forum – and therefore outside its jurisdiction under the provisions of Clause 7 (3) of the DERC's Regulations of 2003 governing the establishment of the Forum.



3. The Discom's (Respondent) position is the same as that taken by them before the CGRF to the effect that the issue is in the nature of a civil/title dispute and not a consumer dispute. According to them, they cannot deny the release of a connection as long as commercial formalities have been fulfilled and that the present case revolves around the misidentification of the property in question and its proper demarcation which can be adjudicated upon only by a civil Court, thereby placing it outside the jurisdiction of the Ombudsman.

4. I have heard both the parties and considered the material on record. The basic demand of the Appellant is for the removal of the meter of Ms. Beena which he says is using the billing/supply address of Khasra No. 250 but illegally installed on his plot bearing Khasra Nos. 243-244. An examination of the ownership documents submitted by Smt Beena and the Appellant in support of their applications for their electricity connections shows that both purchased their respective pieces of land from the same seller, one Shyam Sunder Tyagi, in April, 2000 and October, 2006 respectively. While these sale deeds carry the khasra numbers correctly as 250 for Smt Beena and 243-244 for the Appellant, clear demarcation on the ground does not seem to have been carried out with the net result being a case under agitation in the court of the SDM, Alipur under Sections 133/145 of the CrPC.

5. While arguing that the subject matter concerns a civil/title issue, the Discom has stated in its response that *"the Discom is unnecessarily being dragged into the matter of property dispute"* (sic). While this position may certainly be unexceptionable under other circumstances, the Discom needs to be reminded of its own possible culpability in the matter. The site inspection/verification reports, which the Discom had not produced, were called for along with the applications and supporting documentation filed by both parties for their connections. The Discom's Field Service Executive's site visit report dated 7.9.2015 indicates the presence of a room on the plot and no live connection there with the applied address being shown as Khasra No. 250. The Meter Installation Service Order dated 11.08.2015 of the temporary connection of the Appellant gives the address as Khasra No. 243-244. The site visit report was not signed by the Appellant. Both the connections are obtaining their supply from the same pole bearing No. 511-70/10/5/1. Clearly, there is an anomaly here which the Discom has either ignored or overlooked. Simple logic would dictate that if the connection applied for by Ms. Beena carried a documentary address of Khasra No. 250, then the electricity connection/meter should obviously be physically situated at that address/location only. Yet, her connection is co-located at the same pole from which the Appellant's temporary connection is also drawing its supply but which carries different Khasra Nos. of 243-244 as its address.

6. It should, therefore, have been abundantly clear to the Discom's field staff carrying out the site verifications that there were possible demarcation issues and that the parcels of land where the connections had been applied for did not carry clear identifiers consistent with the documentation provided by the applicants. Obviously, due diligence was not exercised before the actual installation of the connection was permitted. As brought out in an earlier judgement, the Discom cannot absolve itself of all responsibility by ignoring possible conflict situations arising out of inadequate property identifiers and then proceeding to complicate matters by installing connections at wrong locales before attempting to wash its hands clean off the matter by claiming that the dispute which has arisen is a civil

matter to be agitated elsewhere and not maintainable before the Ombudsman. The Appellant, incidentally, stated during the hearing that he was not seeking a redress in a property dispute but merely questioning the basis on which the Discom had permitted a connection to another party from the same pole which supplied his connection when the property number was itself in doubt.

7. Having looked at all aspects, I am of the considered opinion that precious little can be done about this fait accompli at this stage and no relief can be afforded to the Appellant. It is a settled position through several previous judgements of the Ombudsman that an electricity connection constitutes only a utility being provided against payment by a Discom and does not by itself confer a propriety right, title or equity over the premises or land which the beneficiary happens to be occupying. Since demarcation issues are involved in this case, they will have to be pursued to their logical conclusion before the appropriate revenue or civil authorities.

8. In the meantime, the Discom is reminded again that a site inspection visit should not simply focus narrowly and exclusively on the technical parameters of the feasibility of installing connections. Blanket reliance on the documentation submitted in support of an application for a connection while ignoring ground realities can be a recipe for later problems. Effective supervision over the field staff is a must. The Discom cannot contribute to a possible conflict situation and then claim that they have no role to play in it or are being "unnecessarily dragged" into issues revolving around property disputes.

9. No intervention on the part of the Ombudsman is therefore possible in this case and the status quo ante will necessarily have to continue till the resolution of the demarcation issue/property dispute by the appropriate revenue/civil authority after which the Discom can take whatever corrective measures as are required so that matters within its jurisdiction are resolved to the satisfaction of all concerned.

The appeal is disposed off accordingly.


(Sundaram Krishna)
Ombudsman
20.06.2017

