

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.793/2017

IN THE MATTER OF:

Shri Kewal Raut - Appellant

Vs.

M/s BSES Yamuna Power Ltd. – Respondent

**(Appeal against order dated 14.06.2017 passed by CGRF- BYPL in Complaint
No.13/04/2017)**

Present:

Appellant: Shri Kewal Raut, Appellant with Shri Vijay, Advocate

Respondents (1): Shri Mohit Verma, AM (Legal), Shri Devi Lal Dhaka, AM (Power Supply) – on behalf of BSES-BYPL

(2): Shri Ved Prakash (Supervisor) and Shri Durgesh Gupta, Advocate – on behalf of Bhai Joga Singh Public School

Date of Hearing: 06.10.2017

Date of Order: 11.10.2017

ORDER

1. Appeal No.793/2017 has been filed by Shri Kewal Raut, R/o D-4, Ashoka Pahari, Faiz Road, Karol Bagh, New Delhi-110005 against the verdict of CGRF-BYPL in Complaint No. 13/04/17 dated 14.06.2017. The issue concerns the Appellant's grievance that his application for the grant of an electricity connection has been rejected by the Discom (Respondent) with the CGRF upholding the Discom's action.

2. The background of the case is that the Appellant has been an employee of Bhai Joga Singh Public School, D-4, Faiz Road, Karol Bagh (hereinafter referred to as the "School") as a helper since 2005 and has been residing at the above address which forms part of the School's premises and which had been provided to him by the School as a welfare measure. The Appellant, who is said to have continued to occupy the premises despite having been asked by the School authorities to vacate the premises, had applied for a domestic connection on the ground that he is the occupier of the premises in question and that he is entitled under law to be granted the same and that the School is neither the owner nor the occupier of his premises. The Discom had, nevertheless, declined his request with his complaint being upheld by the CGRF, hence this appeal.

3. The Discom's response, on the other hand, is that a site inspection was carried out which revealed that the premises for which the Appellant had filed his application for a new electricity connection is constructed/physically located on land which belongs to the School. Although the Appellant possesses documentary proof of residence at this address through his voter card and Aadhar card etc., he has no proof of ownership over the premises in question. The grant of a connection would, therefore, require a "No Objection Certificate" from School authorities who are the owners of the land and premises as well as the registered consumer and who have objected to the installation of another connection inside their property.



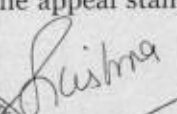
4. I have heard the parties concerned and considered the material on record. The School authorities had been impleaded by the CGRF as a party with a material interest in the case and they have been impleaded in the present proceedings as well. The School's representative, who had also appeared before the CGRF, has stated in his written deposition that the Appellant has been working in the School as a helper since 2005 with a temporary room having been provided to him for his bonafide residence purely as a welfare measure on humanitarian grounds. He was subsequently asked to vacate the premises but, despite the issue of notices to him in December, 2015 and January, 2016, failed to do so. According to him, the School is the legal owner of the premises where the Appellant is now residing unlawfully and no new connection can be granted. Furthermore, the School has attached a copy of a civil suit which they have filed in the Tis Hazari Courts for possession of the premises and recovery of damages, etc. The CGRF had closed the case on the ground that they had no jurisdiction to entertain the matter as it was sub-judice.

5. During the hearing, the Appellant's counsel has argued that the mere fact of the existence of a civil suit cannot extinguish his right to an electricity connection which is his fundamental as well as a basic right and that the School has illegally removed him from service apart from discontinuing his existing supply of electricity. He further argued that the Appellant's premises were not located within the School compound and that the School had also not provided any proof of ownership over the premises which they claim is theirs. His final plea was that the connection sought for may be granted with conditions being imposed, if deemed necessary. The School's counsel, on the other hand, stated that only temporary structures had been constructed within the School compound around 1994, one of which had been permitted to be occupied by the Appellant on welfare considerations and that his premises were not located outside the School's property as he claimed with access to it being only through the School's main gate. He also drew attention to the fact that the School had filed a civil suit for possession and that the Appellant had no ownership documents to back up his claims.

6. The Discom's arguments were limited to the effect that they were only a service provider and were governed by the mandatory requirements for new connections prescribed by the DERC's Supply Code & Performance Standards Regulations, 2007 (now superseded by the Code of 2017 which has taken effect from 01.09.2017). More specifically, the prescriptions requiring the submission of proof of ownership or a "No Objection Certificate" from the landlord, if the premises do not belong to the applicant, have to be complied with and that the Discom could not go into the merits of ownership issues. In the absence of prescribed supporting documents, the Appellant's application could not be acceded to. The Discom has also provided a sketch of the premises with its site inspection report which clearly shows the Appellant's premises as being physically located within the School's property and not outside of it.

7. Having considered the matter at depth, I find that the Discom's position cannot be faulted. Regulation 10 (3) under Chapter III of the Supply Code of 2017 is quite unambiguous in its prescription of the documentation required as proof of ownership or occupancy of the premises in question. Documents like voter or Aadhar cards etc. are only a proof of identity under Regulation 10(2) and cannot be substituted as proof of ownership. The question of legal ownership of the premises where the Appellant is residing is already under agitation in a civil court and it is not within the remit of the Ombudsman to go into such issues. Against this background, and no matter how much we may sympathize with the plight of the Appellant, his appeal for a grant of an electricity connection cannot, unfortunately, be acceded to.

No intervention with the verdict of the CGRF is called for and the appeal stands disposed off accordingly.


(Sundaram Krishna)
Ombudsman
11.10.2017
