

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.11/2018

IN THE MATTER OF:

Shri Mukesh Kumar - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 16.02.2018 passed by CGRF- TPDDL in CG No. 7814/11/17/MTN)

Present: -

Appellant: Shri Mukesh Kumar
Respondent (1): Shri Harshendu Kumar, Senior Manager (Legal), Shri Anirudh Sinha, A.M. on behalf of TPDDL
Respondent (2): Ms. Mannu Monga
Date of Hearing: 26.04.2018
Date of Order: 01.05.2018

ORDER

1. Appeal No.11/2018 has been filed by Shri Mukesh Kumar, H.No.WZ-34, Shadipur, Delhi-110008 against the verdict of CGRF-TPDDL cited above. The Appellant has forcefully objected to the grant of an electricity connection (CA No.60021607456) to one Ms. Mannu Monga (the second respondent) by the Discom on the grounds that, inter alia, he is the owner of the property (No.3016/3, Ranjit Nagar, Delhi - 110008) where the second respondent is in illegal residence and not the tenant and that the site inspection of the property conducted on the directions of the CGRF is defective in certifying the room occupied by her as a separate dwelling unit and, furthermore, that the connection to her has been granted in contravention of prescribed procedures including supporting documentations. The Appellant is also stated that he was never impleaded as a party before the CGRF which passed the order without his knowledge and subsequently did not admit his appeal to the Forum for a review on the ground that it could not revisit its own order.

2. The Discom (First Respondent) has basically taken the defence that their action in releasing the electricity connection was only to be in compliance with the directions of the CGRF even though they had initially suspended the application of Ms. Mannu Monga for a connection for want of ownership documentation/NOC etc. It is pertinent to note here that Ms. Monga, who has been impleaded as a second respondent and is involved in several disputes with the Appellant, happens to be the widow of the late Shri Mukesh Monga (deceased since 2014) who had an electricity connection in his name in the premises under dispute at No. 3016/3, Ranjit Nagar, Delhi-110008. It further transpires that both the parties involved have laid claims to be the legitimate tenants of the property in question with the second respondent producing rent receipts before the CGRF.




3. I have heard the parties concerned including the Discom and the second respondent. I find that there are multiple layers of interpersonal conflicts between the two respondents ranging from allegations of intimidation and harassment of highly personal nature as well as disputes over tenancy/ownership and the legality of the residency of some occupants in the property. These conflicts and disputes have been compounded by complaints and counter complaints before the police authorities with one of the parties apparently having ended up in jail for a while. It is necessary to make it absolutely clear that these matters are entirely outside of the remit of the Ombudsman and have to be settled through other authorities like the civil courts. The Ombudsman has neither the wherewithal nor the authority to go into such issues. The limited focus of the present case is confined solely to the issue of the electricity connection which has been granted to the second respondent by the Discom on the directions of the CGRF – which has been strongly objected to by the Appellant. It would be relevant to observe here that the magnitude of this issue, namely the correctness/validity of the connection granted pales in comparison to the interpersonal disputes which are in progress between the parties.

4. There are only two options available – one of simply ordering the disconnection of the electricity connection as demanded by the Appellant or allowing it to remain. For better or for worse, the CGRF has given a verdict on humanitarian grounds directing the Discom to grant the connection. A state of fait accompli, therefore, exists. A disconnection can easily be ordered but will serve no material purpose other than causing distress to one of the parties who is a single lady. Experience shows that it is a commonly observed practice for people involved in property disputes/conflicts to seek disconnection of electricity connections where they exist or denial of connections where they don't with the objective of bringing additional points of pressure to bear on the opposing party in conflict situations towards the resolution of issues in their favour.

5. Given this background and taking all facts into consideration, I am inclined to the view that, on the balance, it would be inappropriate and quite unnecessary to order the disconnection of a connection already permitted by the CGRF, keeping in mind that the grant of electricity connections/bills do not confer any proprietary rights or ownership titles whatsoever on consumers as clearly specified by Regulation 10(1)(vii) of the DERC's Supply Code & Performance Standards Regulations, 2017 and by the disclaimer on the reverse of electricity bills. The disputes under way in this case would necessarily have to be adjudicated upon by the appropriate authorities prescribed by law and their verdicts would be automatically binding on all the parties concerned. The ordering of a disconnection at this stage would serve no useful purpose beyond adding fuel to an already volatile situation.

6. It is also clarified that this verdict has been passed against the background of the unique ingredients of this case and applicable to this case only. It shall not be taken as a precedent in any other case which would necessarily have to be adjudicated on its own merits.

This appeal is, therefore, not admitted.



(Sundaram Krishna)
Ombudsman
01.05.2018