

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. 07/2018

IN THE MATTER OF:

Ms Rahmati Begum - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 15.01.2018 passed by CGRF- BRPL in CG No. 79/2017)

Present:

Appellant: Ms. Rahmati Begum, Mr. Ibrar Ahmed (husband) and Mr. Afroz Ahmed (son)

Respondent (1): Mr. Deepak Pathak, Advocate, Mr. A K Yadav, DGM, Mr. Ranjan Choudhary, C.O. and Shri Prashant K. Saxena, Nodal Officer, on behalf of BRPL

Respondent (2): Mr. Charanjeet Singh – Not present

Date of Hearing: 11.04.2018

Date of Order: 16.04.2018


ORDER

1. Appeal No. 07/2018 has been filed by Ms Rahmati Begum, w/o Shri Ibrar Ahmed, r/o jhuggi AB, Kamal Cinema, Safdarjung Enclave, near PNB Bank, New Delhi – 110029, against the verdict of CGRF-BRPL cited above.

2. The background to this appeal is the Appellant's claim that she is the owner of the jhuggi bearing the address given above at which she has been residing with their family for the past three decades. According to her, despite the fact that she has adequate documentation of the bonafides of her address, the Discom (Respondent) has declined her application for a new electricity connection twice on the grounds that, inter alia, the property in question is a disputed one and that she has not provided adequate proof of her ownership over it. The CGRF, whom she had approached, however, did not uphold her appeal.

3. The Discom's position is the same as that they had taken before the CGRF, namely that the Appellant has not been able to produce any documentation supporting her claim to be the lawful occupier of the parcel of land/property where she has sought the connection. The property instead belongs to the Delhi Development Authority (DDA) whose representative appeared before the CGRF to certify that the plot under reference ("AB 12-B between Punjab National Bank and Kamal Cinema, Safdarjung Enclave") stands earmarked for future development. Furthermore, another party, Shri Charanjeet Singh, had trespassed into the same property into 2011 and remains in occupation of a part of it and against whom the Appellant has filed a civil suit which is still pending for adjudication. The Discom has, furthermore, stated that there are dues pending against two other connections at the same address which need to be cleared first.

4. I have heard both the parties and considered all the material on record in detail. It is a matter of record that the ownership of the parcel of land/property in question lies with the DDA whose representative appeared before the CGRF and submitted a letter dated 20.12.2017 belongs to them and stands earmarked for a public purpose with the occupants on the plot (the Appellant and Shri Charanjeet Singh) "refusing to show any paper regarding the allotment of the said property from DDA or any other agency". As to why the DDA has not acted to reclaim their




property, little needs to be said beyond the observation that it is a Government agency which is not quite known for proactive action. In any case, inactivity on the part of the DDA is not germane to the appeal under consideration. What it does appear to have led to is another claimant to the property, Shri Charanjeet Singh, staking his claim with the matter finally ending up before a civil court for adjudication on the issue of titles. It is relevant to note here that Shri Charanjeet Singh, who was impleaded as an interested party by the CGRF, claimed before that Forum that he was the owner of the property and had employed the Appellant's husband, permitting the latter's family to reside there. According to him, disputes subsequently arose between them resulting in complaints and counter complaints before the police. While it is not within the ambit of the Ombudsman to go into these issues, it is clear that the property where the Appellant is residing is Government land and the subject of litigation and ownership claims between two apparent trespassers, neither of whom have incontrovertible documentary proof of their respective titles over it. Incidentally, a notice had also been sent to Shri Charanjeet Singh to attend the hearing before the Ombudsman and which was returned by the P&T Department as "undelivered".

5. The issue at hand for adjudication accordingly reduces to one of determining whether the Appellant can be treated as a legal occupier of the land/property in question and whether she is entitled to an electricity connection on the basis of the documentation which she has produced in support of her contention of legal residency at this address, consisting of her voter identification card, Aadhaar card and passport. While these documents certainly constitute a proof of identity in terms of Regulation 10(2) of the DERC's Supply Code and Performance Standards Regulations, 2017, they do not constitute proof of ownership or title, the documentary requirements for which are listed under Regulation 10(3). The Appellant has also argued that an electricity connection today constitutes one of the basic necessities of life and its mere provision does not confer or establish any proprietary rights over the property in question as indicated by the disclaimer printed on the reverse of the bill itself. While it is certainly true that electricity is one of the basic necessities of life today, there is a prescribed framework outside of which it is very difficult to grant a connection. The CGRF has correctly focused on the fact that the documentation provided by the Appellant constitute only a proof of identity under Regulation 10 (2) and that an exception could have been possible only under Regulation 10(3)(ix) which expressly provides that a ration card or electoral identity card carrying the same address may be accepted as proof of occupancy in the case of "*bonafide consumers residing in JJ clusters or in other areas with no specific municipal address...*". This condition is not met in the present case. Photographs of the property, submitted by both the Appellant and the Discom, do not show anything even remotely resembling a JJ cluster with multiple habitations which could have been construed as being covered by Regulation 10(3)(ix). The property where the Appellant is residing is a plot which the subject of counter claims by another party with the matter presently under litigation before a civil court. Furthermore, the DDA has certified in clear terms that the property belongs to them with no documentation available with the Appellant (or Charanjeet Singh, for that matter) to contradict this.

6. Given this background, and without going into any other issue, the Appellant cannot be considered a "bonafide consumer" but as an apparent trespasser / illegal occupant unless she is able to produce titular documentation or proof of ownership over the parcel of land she occupies. The Ombudsman has the power to intervene and give directions in the event of a deficiency in service which a Discom is required to provide under regulations, but no matter how much we may sympathize with the plight of someone who has to live without electricity, this does not extend to giving directions which may involve a dilution or waiver of the regulations prescribed by the Code cited above.

No interference with the verdict of the CGRF is, therefore, possible or called for and the appeal stands disposed off accordingly.


(Sundaram Krishna)
Ombudsman
16.04.2018