

OFFICE OF THE ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone – cum – Fax No.011-26141205)

Representation No. 30/2018

(Against the CGRF-BYPL's order dated 28.09.2018 in Complaint No. 19/09/2018)

IN THE MATTER OF

SHRI RAJ KUMAR

Vs.

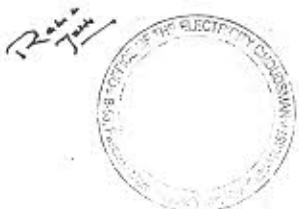
BSES YAMUNAPOWERT LTD.

Present:

- Applicant : Shri Sonu Parihar and Priyanshu Upadhyay, Advocates
alongwith Shri Raj Kumar, the Applicant and his brother
Shri Deepak
- Respondent (1): Shri Rajeev Ranjan, Sr. Manager (Legal),
Shri Sanjay Ray (Section Officer) and
Shri Bharat Bhushan, (A.P.O.) attended on behalf of BYPL
- Respondent (2): Shri Ramveer Singh and his Authorised Representative
Shri Y.S. Verma.
- Respondent (3): Shri Vijay Singh father of Shri Raj Kumar
- Date of Hearing: 05.12.2018, 27.12.2018
- Date of Order: 27.12.2018

FINAL ORDER

1. The instant matter came up for hearing today i.e. on 27.12.2018. Shri Raj Kumar, the Applicant represented by Shri Sonu Parihar and Shri Priyanshu Upadhyay Advocates, Shri Ramveer Singh as Respondent No.2 represented by Shri Y.S. Verma and Shri Vijay Singh father of Shri Raj Kumar as Respondent No.3 himself present in the Forum.
2. Facts in brief as culled out from the available records are as follows:
3. Raj Kumar s/o Shri Vijay Singh r/o G-106, Gali No.15, Jagjit Nagar, Usman Pur, Shahdara, Delhi-32, has filed a representation against CGRF – BYPL's Order dt. 28.9.18. He claims that the entire property which is in his possession belongs to him and he is the rightful owner of the said property. On the other hand, Shri Ramveer Singh, the complainant before the CGRF had applied for a non-domestic electricity connection with



a sanctioned load of 1 KW vide Application No.008003315030. Shri Ramveer Singh is uncle of Shri Raj Kumar and there is a dispute over the property which both of them claim to be the owner. A civil suit for eviction of property bearing Case No.503/18 is pending before the Hon. Civil Court, Karkardooma, Delhi.

4. Raj Kumar, the applicant has argued that Shri Ramveer Singh is not the rightful owner of the said property and he is not entitled for new electricity connection on the said property as there is a suit for eviction of property bearing Case No.503/18 which is pending before the Hon. Civil Court, Karkardooma, Delhi.

5. Shri Ramveer Singh in rebuttal stated that he was residing at Premises No. G-106, Gali No.15, Jagjit Nagar, Usman Pur, Shahdara, Delhi-32 and he is the owner of 25 sq.yds. of built up area out of entire area measuring 50 sq.yards.

6. Shri Vijay Singh, father of Shri Raj Kumar, who was made a necessary party before the CGRF, has stated that the complaint of Shri Ramveer Singh is not tenable in the eye of law as he has already served the Applications dt. 02.05.18 and 24.05.18 to BYPL for non-installation of connection in the name of Shri Ramveer Singh. He clarified that Shri Ramveer Singh was staying on the ground floor of the property and a room was given to him to live with his family. He further clarified that he was the actual owner of the said property and a electricity connection bearing CANo.101231161 and a water connection vide K.No.4803630429 were installed at the ground floor in the name of Shri Raj Kumar. He submitted that the documents produced by the complainant Shri Ramveer Singh are forged and fabricated. He possesses the original papers of the property in question and he was the absolute owner of the said property. He had filed a suit for eviction No.503/18 before the learned Civil Judge which is pending before the Hon. Court.

7. Shri Ramveer Singh who is residing in the premises in question requires electricity connection for running a tailoring shop by him to earn his livelihood. The CGRF had directed the Respondent company to release the connection to the complainant within a week's time from the date of the Order and also directed the Respondents to submit the Action Taken Report to the Forum. The case was disposed of accordingly.

8. Aggrieved by the said Order, Shri Raj Kumar, preferred an application before this Forum. He has argued that the Order passed by CGRF has been passed without appreciating the facts and circumstances of the case in its entirety and without considering the objection/reply filed by him as a property dispute is pending in the Civil Court between him and the Respondent No.2 and allowed the electricity connection on the basis of forged and fabricated documents submitted by Shri Ramveer Singh. Shri Raj Kumar argued that Ld. CGRF had erred in appreciating that the property in question was



required by the Respondent No.2 for tailoring shop / livelihood, whereas the Respondent No.2 was already in possession of a tailoring shop viz. 'Mayank Shop' at A-1256, GD Colony, Mayur Vihar Phase III, Delhi and stated that the contention of Respondent No.2 and the ground of livelihood by him is wrong in this respect. Hence, the ground of livelihood and the argument that the premise in question requires the electricity connection for livelihood does not inspire confidence.

9. In view of the discussion as aforesaid, the pleadings and the arguments advanced by the parties concerned and considering the case in its entirety, it would be just and fair that a status quo is maintained pending disposal of the case in the Civil Court. It is clarified that the Order passed herein would not create or take away any right or title or interest on the property in favour of or against any of the parties in dispute before this Forum. With this, the case is disposed of. Order accordingly.



(Rakesh Kumar Mehta)
Ombudsman
27.12.2018