

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.776/2017

IN THE MATTER OF:

Shri S.K. Singh Thakur - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 15.12.2016 passed by CGRF- TPDDL in CG No.
7444/09/16/RHN)

Present:

Appellant: 1. Shri S.K. Singh Thakur

Respondent: 1. Shri Vivek, Senior Manager (Legal), TPDDL
2. Shri Amit Sharma, officer TPDDL and
2. Shri Anirudh Sinha, Asstt Manager, TPDDL

Date of Hearings: 17.03.2017 & 28.03.2017

Date of Order: 30.03.2017

ORDER

1. Appeal No. 776/2017 has been filed by Shri S.K. Singh Thakur of EA 1/37, Inder Puri, New Delhi-110012 against CGRF-TPDDL's order in CG No. 7444/09/16/RHN dated 15.12.2016.

2. The Appellant has disputed the release of an electricity connection to one Ms Shanu Rabibi at Plot No. 9, 12A, Pal Colony, Rithala Mod (near Rithala Metro Station), Rohini, Delhi – 110085 with a sanctioned load of 1 KW-JJ meter, on the ground that the property in question where the connection has been released belongs to him. The Appellant's contention is that his plot has been occupied illegally by the Bangladeshi lady mentioned above with her extended family who do not possess any documentation establish their rights over this property and that the connection has been sanctioned on the basis of forged documentation. His demand that this be disconnected was not accepted by the CGRF-TPDDL, hence, this plaint.

3. The Discom's (Respondent) response is the same which they had placed before the CGRF, namely that the connection has been released to Ms Rabibi on the



completion of necessary formalities including payment of the demand note and submission of documents showing ownership and lawful occupancy as well as annexing copies of their Niwas Praman Patra, Aadhaar card and the recommendations of the local MLA and the concerned Councillor. The Discom further stated that they are under an obligation to supply electricity to consumers who fulfil the prescribed formalities, adding that responsibility of ensuring that the property is safe from trespassers lies with the owners and not on the Discom.

4. I have considered the material on record and heard both the parties. During the first hearing on 17.03.2017, the Appellant insisted that the Discom had granted the connection to premises No. 9 on the basis of documents pertaining to another property, namely No. 12. As a matter of abundant precaution and to afford a measure of satisfaction to the Appellant, the Discom was directed to carry out another joint site inspection in the presence of the Appellant to establish just which plot had been given the connection and to file a sworn affidavit on the outcome. The Discom has done so and furnished a report and an affidavit reaffirming that the connection has indeed being granted to Ms Rabibi at Jhuggi No. 9 on Khasra No. 59/13 and that the Appellant did not come for inspection despite being contacted earlier. During the second hearing on 28.03.2017, they also clarified that Plot No. 12 has a different connection and is not connected with the present case. The Appellant did not offer a cogent reason for his absence from the inspection and only reiterated his demand for the disconnection while indicating, in response to a query, that he had also approached the police authorities.

5. The present case, in summary, therefore arises out of the Appellant's contention that Ms Rabibi is in illegal occupation of his property and has obtained the electricity connection on the basis of forged documentation and that the Discom has erred in granting it without an NOC from the legal owner. As far as the establishment of ownership rights and titles to the property in question are concerned as also the issue of whether such documentation is forged or not, these are issues which lie outside the remit of the Discom, the CGRF and the Ombudsman. The Appellant's contention that Ms Rabibi and her family are in illegal occupation of his property can only be agitated before an appropriate civil Court or Authority for a remedy. No relief can be afforded to the Appellant in this context by the Ombudsman.

6. On the issue of the sanction of the electricity connection itself, the Discom is under an obligation to supply electricity to lawful occupants of any premises as long as commercial formalities have been fulfilled and requisite charges paid. In the present case, Ms Rabibi has submitted her Aadhaar card, which is a Government-issued identification-cum-residence proof document, apart from her Niwas Praman Patra and recommendations from the local MLA and Councillor. She, therefore, has to be taken as a lawful occupant eligible for the purposes of the grant of an electricity connection. It would be relevant to note here that Section 43 of the Electricity Act, 2003 does not differentiate between or categorize occupants but merely provides that the Licensee shall provide an electricity connection when applied for by the owner or occupier of any premises within one month. No distinctions are drawn in this Section between "legal" or "illegal" occupants. Again, an electricity connection is considered today as one of the basic necessities of life and constitutes only a service or a utility provided to a consumer by a Discom against payment. The mere



provision of such a connection to a premise does not authorize, confer or establish any proprietary rights or titles on an occupier who happens to be residing there.

7. Furthermore, it would not be out of context here to mention two case histories which, inter alia, touch upon how the status of actual occupiers in a settled position may be viewed. The Hon'ble Calcutta High Court, in *Abhimanyu Mazumadar vs Superintending Engineer and Anr.* (AIR 2011, Calcutta 64), held that the Electricity Act, 2003 does not incorporate any provisions for the resolution of disputes as to the status of the occupier of a property for which an electricity connection is being sought and that a lawful occupier meant an actual occupier in a settled position. For that matter, in *Ramegowda vs. Varadappa Naidu* (AIR 2004, SC 4609), the Hon'ble Supreme Court had held that even a trespasser, who was in settled position in the premises, was entitled to certain protections under law even against the true owner.

8. Against this background, no interference with the verdict of the CGRF is possible. Whether Ms Rabibi and her family are in illegal occupation of the Appellant's plot and whether the documents submitted by her are forged are issues which can only be agitated before the appropriate authorities or civil Courts for a remedy.

Accordingly, the appeal stands disallowed.



(Sundaram Krishna)
Ombudsman
30.03.2017