

## **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.796/2017**

#### **IN THE MATTER OF:**

Smt Sati Devi - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 25.07.2017 passed by CGRF- TPDDL in CG No. 7319/07/16/KPM)

#### **Present:**

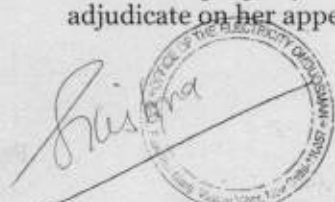
Appellant: Smt. Sati Devi, Appellant with her son Shri Suresh Kumar  
Respondents (1): Shri Amit Sharma, Executive and Shri Harshendu Kumar, Sr. Manager (Legal) – on behalf of TPDDL  
(2): Shri Sunder Lal with his counsel Shri J.C. Mahindru  
Date of Hearing: 11.10.2017  
Date of Order: 16.10.2017

#### **ORDER**

1. The present appeal has been filed by Smt Sati Devi, w/o late Shri Ram Chander Ahuja, r/o A-260/1, Ashok Vihar, Phase-I, Delhi – 110052 against the verdict of CGRF-TPDDL cited above. The appeal arises from the rejection of her application for a domestic electricity connection by the Discom (Respondent) with the CGRF not admitting her complaint on the ground that a property dispute over the premises in question was under way and the matter was, therefore, sub-judice.

2. The Appellant's case is that she had applied for an electricity connection in respect of her first floor property at C-55, Block -C, Phase - I, Ashok Vihar, Delhi – 110052 which was declined by the Discom on the ground that she had not produced proof of her ownership. Her complaint before the CGRF was also not considered by that Forum on the ground that a civil suit concerning ownership of the property between the members of her family was in progress before the civil courts as it was a sub-judice matter, hence, this plaint.

3. The Discom's response is that the connection applied for by the Appellant could not be sanctioned on account of her failure to complete the necessary commercial formalities as prescribed by the DERC's Regulations on the subject which primarily concerned the submission of proof of her ownership over the premises in question. When her complaint came up before the CGRF, one Shri Sunder Lal demanded that he be impleaded in the case and submitted that a suit had been filed before a Civil Court challenging her ownership rights over the property, claiming that she was neither a tenant nor an owner and, therefore, not eligible to a new electricity connection. Given the fact that for title over the property had itself been thrown into question and the Hon'ble Court had directed through its order of 05.04.2017 that status quo with respect to the suit property be maintained for the present, the CGRF had correctly declined to adjudicate on her appeal.



4. I have considered the material on record and heard the parties concerned including Shri Sunder Lal. Incidentally, the latter had appeared before this Ombudsman in an earlier case (Appeal 760 of 2016) in December, 2016 challenging the grant of an electricity connection to one of his three paternal uncles seeking disconnection of an existing connection, alleging that it had been obtained on the basis of forged documents. The same party, Shri Sunder Lal, has now intervened in the present appeal, arguing against the grant of a connection to Smt Sati Devi (whose late spouse, Shri Ram Chander Ahuja, was one of those uncles), invoking disputed titles and stating that she has no documents to establish her ownership rights. The Appellant and her son, for their part, have held the opposing party guilty of intimidation and falsehood and say that they have been living in these premises since 1976.

5. What is abundantly clear is that there is a serious, ongoing dispute amongst the members of this extended family over the title and ownership of the property in question. This dispute is presently pending in the Civil Courts for a resolution with an interim direction from the Hon'ble Judge that both parties maintain the status quo with respect to the suit property for the present. After careful consideration of all the issues, I find that it would not be possible to accede to the appeal, no matter how much we may sympathize with the plight of the Appellant. Firstly, no directions can be given which have the potential, however remote, to impact the status quo ordered by the Hon'ble Court. Secondly, it is not within the remit of the Ombudsman to go into issues surrounding the veracity or otherwise of title documents when they are under challenge as in the present case. Finally, there is no way in which the mandatory documentary requirements prescribed for a new connection under Regulation 10 (3) of the DERC's Supply Code & Performance Standards Regulations, 2017, requiring proof of ownership over the premises in question, can be overridden, bypassed or even diluted. The Ombudsman simply does not enjoy such powers. The Discom has clearly stated that the moment the documentation is in order and in compliance with prescribed requirements, a connection will be granted forthwith.

Against this background, the appeal is hereby disallowed.



*Sundaram Krishna*  
(Sundaram Krishna)  
Ombudsman  
16.10.2016