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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. 12/2018

IN THE MATTER OF:

Shri Devender Kumar Garg - Appellant

Vs.

M/s BSES Yamuna Power Ltd. – Respondent

(Appeal against order dated 06.04.2018 passed by CGRF- BYPL in Complaint
No.06/02/2018)

ORDER

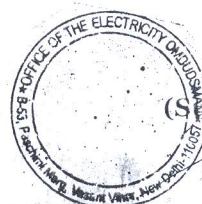
1. An appeal had been filed by Shri Devender Kumar Garg against the CGRF's order cited above and which was subsequently dismissed in limine on 15.05.2018 following the submission of a letter, signed by the Appellant, to the effect that he was withdrawing the appeal in view of a family settlement reached with the other party. The case itself relates to a change in name of two electricity connections, standing in his name, to that of his sister-in-law, Smt. Chanchal (the wife of his brother). His allegation has been that he had not given a "no objection" to the change in name which had been done by the Discom on the basis of forged and fabricated documents.

2. The Appellant had filed a complaint before the CGRF which disposed off the case on 04.04.2018 when both the parties appeared before the Forum and stated they had reached a mutual settlement through which the name on the bills would be reverted to that of the complainant. Subsequently, the complainant filed an appeal before the Ombudsman on 26.04.2018 raising a demand for compensation from the Discom for harassment and mental agony as well as a demand that Smt. Chanchal produce the original documents relating to the property, thereby going back on the position he had taken before the Forum. The Appellant then proceeded to withdraw his appeal through a letter dated 14.05.2018 to the effect that a settlement had been reached with the other party agreeing to the name change and that both parties are bound down to the terms of the settlement reached. In view of this, his appeal was dismissed in limine on 15.05.2018.

3. In a new development on 31.05.2018, however, the Appellant called the Ombudsman's office over telephone saying that he was withdrawing his settlement letter and asking if his appeal before the Ombudsman could be restored as he wished to pursue the case. The same day, Smt Chanchal - who had appeared before the CGRF and stated that a family settlement had been reached with her brother-in-law - came to the Ombudsman's office opposing the name change. She was advised that if she wished to dispute the issue, she would have to approach the CGRF first.

4. It is abundantly clear that there is a family dispute, probably over the property, in progress. The issues surrounding the application for a name change were not gone into by the Forum as the parties had themselves stated, during the final hearing, that they had reached a mutual settlement. With both the parties concerned now retracting from their initial positions and adopting a flip-flop attitude, it is best that the CGRF looks at the issues involved de novo and delivers a verdict based on merits after taking into account relevant factors.

5. The case is, accordingly, remanded to the CGRF which may decide the case afresh on merits. In the interim, the Discom is restrained from any action which may interfere with the status quo till such time as the CGRF delivers its verdict. If either of the parties is aggrieved with the CGRF's verdict, they are free to file an appeal before the Ombudsman.



(Signature)
(Sandaram Krishna)
Ombudsman
01.06.2018