

**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.745/2016**

**IN THE MATTER OF:**

**Ms. Simrit Singh and others - Appellants**

**Vs.**

**M/s Tata Power Delhi Distribution Ltd. – Respondent**

**(Appeal against two orders, both dated 22.07.2016 passed by the CGRF- TPDDL in CG Nos. 7216/04/16/CVL and 7217/04/16/CVL)**

**Present:**

**Appellant: Ms. Simrit Singh representing self and others with Shri Sahil Chopra, Advocate**

**Respondents: 1. Shri Vivek, Senior Manager (Legal), Shri Anirudh Sinha, Asst. Manager  
2. Shri Chandan Sahu father of Shri Rohit Sahu  
3. Shri Pawan Kumar**

**Date of Hearing: 08.09.2016**

**Date of Order: 15.09.2016**

**ORDER**

1. Appeal No.745/2016 has been filed by the Appellant, Ms. Simrit Singh D/o Late Shri Ravi Inder Singh in her own capacity and on behalf of Shri Jaskirat Singh, S/o Late Shri Ravi Inder Singh, Smt. Namrata Sharma, D/o Late Shri Ravi Inder Singh & Smt. Jasleen Ravindra Singh, W/o Late Shri Ravi Inder Singh, claiming to be the legal heirs of the property "Army Press", (Site Nos. 1 & 2), Old Khyber Pass, Delhi – 110054, against CGRF-TPDDL's two orders in the matter of Shri Rohit Sahu vs. TPDDL in CG No.7216/04/16/CVL and Shri Pawan Kumar Vs. TPDDL in CG No.7217/04/16/CVL, both dated 22.07.2016.

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2. The CGRF, in its orders of even date in both cases, had directed the Discom (Respondent) to restore the electricity supply connections of Shri Rohit Sahu and Shri Pawan Kumar (referred to as the "affected parties" hereinafter) which had been disconnected earlier on the basis of a complaint from the Appellant, Ms. Simrit Singh who had challenged the grant of the connections in the first place as irregular. The Forum held that the disconnection on the basis of a third party complaint without any Court directions to that effect was arbitrary, unlawful and unwarranted, that ownership of a property was not the sole criteria on the basis of which connections were granted and that a lawful dweller was also entitled to a connection if he had submitted the necessary documentation. Since the issue of ownership of the property was already before a civil court and, therefore, sub-judice - apart from being not relevant to the case in hand - the Discom was directed to restore the electricity connections of Shri Sahu and Shri Kumar.

3. Aggrieved by the Forum's orders, the Appellant, on behalf of the all the legal heirs of the property in question, has preferred this appeal wherein she has argued that the Discom had granted the connections to the affected parties in the first place in an irregular manner without insisting on the mandatory documentation required under rules but merely on the basis of letters of recommendation from the local MLA. Upon her protest, the Discom disconnected both connections on 18.02.2016. The affected parties had then approached the CGRF for restoration of their connections. The Appellant has further said that despite her prayer to be impleaded as a party to the cases before the CGRF, no cognizance was taken of her request by the Forum which proceeded to direct the Discom to restore their connections. Her plea is that the orders of the Forum of 22.07.2016 be set aside.

4. The Respondent (the Discom), for its part, has reiterated the stand it took before the CGRF that the connections to the affected parties were granted on the basis of documents which included their Adhaar and voter cards as well as an affidavit-cum-indemnity bond to the effect that they did not have certain documents with respect to ownership / tenancy, that no information has been concealed by them and, if the latter was found to be true, their connections were liable to be terminated. Following an objection received from the Appellant, these connections were disconnected and subsequently reconnected only on the directions of the CGRF. The Discom holds that they have acted in accordance with the provisions of law and that their connections were initially terminated after the consumers failed to produce original documents relating to the ownership of the property. The affected parties, for their part, have claimed that they - and their family members - have been residing in the said premises for years, having been permitted to occupy the same by its lawful owners, namely Messrs Lusa Builders and Contractors.

5. Both parties were heard on 08.09.2016. Reduced to its essentials, the Appellant's case is that the electricity connections of the affected parties should be disconnected as they have been granted by the Discom without the mandatory documentation required and without her concurrence as the legal owner of the property at Old Khyber Pass, Delhi.

*Simrit Singh*




6. One of the complaints made by the Appellant is that she was not impleaded as a party in the hearing before the CGRF despite her representations. Records show that she had addressed three representations to the CGRF, one dated before the CGRF's verdict of 22.07.2016 and the other two after it. These representations had been considered on file by the CGRF with the observation that there were two civil suits (Nos 486 and 487/2016) on the subject of ownership of the property in question pending between the Appellant and Messrs Lusa Builders & Contractors before a civil Court. Therefore, since the case before the CGRF was only for the restoration of disconnected connections, the Appellant had no locus standi to demand their disconnection as her title to the property was not established. The CGRF's decision not to implead her as a party was, therefore, a conscious one and not arbitrary. In any case, she has now been accorded an opportunity to be heard.

7. Again, the Appellant herself has stated in her representation that Shri Sahu and Shri Kumar are occupying a part/portion of the premises and that an eviction suit is also pending before a civil Court. Clearly, multiple suits currently under agitation in the civil Courts concerning the titles and rights to the property in question.

8. During the hearing, the main line of argument taken by the Appellant's counsel was that the guidelines specifying the documentation required for new connections had not been complied with. I have considered this argument carefully. The crucial point here is that one of the mandatory documents prescribed for new connections under Annex-I of the DERC's Supply Code and Performance Standards, 2007, is a "No Objection" letter from the landlord along with proof of ownership of the landlord. The underlined portion is important. In the instant case, the Appellant's ownership of the premises is itself under agitation before the civil Courts and is, therefore, not established beyond doubt. Till the jurisdictional Court delivers its verdict on the title and rights of the property in question, the Appellant cannot claim full and undisputed rights and titles over it. Under the circumstances, it would be premature and against the canons of natural justice to simply disconnect the electricity connections of the affected parties in this case, namely Shri Sahu and Shri Kumar. Once the title over the property is decided, these occupants - and the Discom - would, in any case, be bound by that decision and whatever directions it contains. The electricity connections being enjoyed by affected parties is only a service being provided to them by the Discom against payment - its mere provision cannot be construed as authorizing, conferring or establishing any titles or proprietary rights over the property in which they happen to be residing.

9. Against this background, it may be redundant but nevertheless instructive to take a quick look at the issue of whether it would be lawful to disconnect a service being enjoyed by occupiers of premises and for which payments are being made by them. In Ramegowda vs. Varadappa Naidu (AIR 2004 SC 4609), it had been held that even a trespasser, who was in a settled position, was entitled to certain protections under law even against the true owner. Following a similar dictum, the Hon'ble Calcutta High Court in Abhimanyu Mazumdar vs. Superintending Engineer and Anr (AIR 2011 Calcutta 64) held that the Electricity Act, 2003 does not incorporate any provisions for the resolutions of disputes as to the status of the occupier of a property for which electricity connection is sought. It was held that a lawful occupier means an actual occupier in a settled position.

*Prishma*  


10. Given this background, I find no valid reason to disagree with the verdict of the CGRF that the Appellant has no locus standi in the matter as the issue of title/rights in the property under question is itself presently under agitation in the civil Courts. Once the civil Courts deliver their verdict, their decision will be automatically binding all the parties concerned. The grant of an electricity connection, which is today one of the basic necessities of life, cannot be denied merely on the objection of parties who have not established their absolute right/title over the property in question beyond doubt. Till then, the status quo need not be disturbed.

The Appellant's plaint is, accordingly, disallowed.

*Sushma*

**(Sundaram Krishna)  
Ombudsman  
15.09.2016**

