

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. 791/2017

IN THE MATTER OF:

Smt. Vandana Saini - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 13.06.2017 passed by CGRF-TPDDL in

CG No. 7586/02/17/BDL)

Present:

Appellant/s: Smt. Vandana Saini & Shri Sanjay Saini (spouse)

Respondent (1): Shri Harshendu Kumar, Sr. Manager (Legal) and Shri Anirudh Sinha, Sr. Manager, on behalf of TPDDL

Respondent (2): Ms. Juhi Saxena

Date of Hearing: 15.09.2017

Date of Order: 19.09.2017

ORDER

1. Appeal No. 791/2017 has been filed by Smt. Vandana Saini, R/o A-4/12, Second Floor, Sector-15, Rohini, Delhi-110089 against CGRF-TPDDL's order in CG No. 7586/02/17/BDL dated 13.06.2017.

2. According to the Appellant, she had purchased the second floor of the property mentioned above in January, 2009. This floor had a pre-existing electricity connection whose bills she had been paying regularly. Subsequently, the Discom (Respondent) changed the registered name of this connection to that of the first floor occupant, Ms. Juhi Saxena upon an application to that effect from the latter. The Appellant's contention before the CGRF was that this action on the part of the Discom was illegal and she was the rightful owner of that particular connection (CA No.60001891484) which should be shown in her favour. The CGRF had declined her request, hence this plaint.

3. Reduced to its essentials, the background of the case is that the connection in question was energised in July, 2003 at the outset itself by the builder of the property with its registered address being the first floor. As it subsequently transpired, this connection, although registered as being for the first floor, was actually supplying electricity to the second floor. When and how this happened could not be explained by the Discom which said that this fact had been discovered only after the CGRF had ordered a site inspection. Since all bills against this connection were being paid regularly with no defaults, no cause had arisen to carry out a physical site verification inspection. The anomaly came to attention when the resident of the first floor, Ms. Juhi Saxena, discovered that the connection in question was actually registered against her address from inception and applied to the Discom to transfer it to her name, producing



proof of her ownership over the first floor. This was acceded to by the Discom but, since the connection was actually supplying power to the second floor, advised the second floor owner, Ms. Vandana Saini (the Appellant) to apply for a fresh connection in her name. She challenged this before the CGRF, claiming that the same connection which was supplying power to her floor should be transferred in her favour. This appeal was rejected by the CGRF which also took note of the fact that the use of a connection on the second floor but which was registered at a different floor was technically an illegality.

4. I have considered the material on record and heard all concerned including Ms. Juhi Saxena, the owner of the first floor, who was impleaded as a party since the outcome of the verdict would have a bearing on her interests. The basic fact which emerges – and which has not been disputed by the parties – is that the address of the connection in question is indeed registered at the first floor as it has been since its energisation in July, 2003. From some point of time, possibly at the outset itself, the connection has actually been supplying power to the second floor instead of the first. This fact escaped the attention of the Discom as all bills were being paid regularly by the Appellant with no defaults.

5. Technically, the diversion of supply to the second floor constitutes an irregularity but since all bill payments have been made on time and no malafide on the part of the consumer is made out, this subject shall not be dwelt on any further. Nevertheless, regulations do require that a connection be tagged to the address to which electricity being supplied. Ideally, the Appellant should have applied for a new connection in her favour the moment she purchased the second floor in January, 2009. No cogent explanations were forthcoming from her or her spouse when queried during the hearing about the complete absence of action on their part to complete this necessary formality for more than eight years. The necessity of attending to basic formalities at the time of purchase of a property like transferring utility connections like water and electricity, property tax etc. to the new owner's name was explained to the Appellant/s as also potential problems which could arise at some future date if this was not done. Furthermore, it was clarified to the Appellant/s that they could not claim ownership rights over the electricity connection/mater.

6. The second Respondent, Ms. Juhi Saxena, stated during the hearing that the Appellant/s had attempted to intimidate her over her request to the Discom to change the connection under dispute to her name. Certain counter- allegations were also levelled by the Appellant/s. It has been explained to both parties that the remit of the Ombudsman extends only to resolution of consumer grievances pertaining to electricity connections and that other interpersonal disputes would necessarily have to be taken up before the appropriate authorities provided for under law. The position enumerated in the paragraphs above was explained to all the parties during the hearing and accepted by them.


7. Before concluding, it is necessary to observe that this is a classic case of an unnecessary litigation which has arisen due to contributory negligence on the part of both the Appellant/s and the Discom. The Appellant/s, for their part, neglected to carry out the necessary formalities for the change of their electricity connection to their name at the time of purchasing the property and, furthermore, remaining silent over more than eight years over the fact that their supply was being obtained from a meter registered at an address not their own. Instead of taking action to correct this procedural defect, they opted to engage in litigation, first at the level of the CGRF and then the Ombudsman, with the only result being a waste of judicial time and avoidable acrimony with neighbours. The Discom's culpability lies in the complete absence of attention to a developing situation and discovering the diversion of supply to another floor other than the registered one only after the CGRF had ordered a site inspection. The Discom's argument that no cause arose to suspect anything was amiss since all bills




were being paid on time with no defaults is not a sufficient shield unto itself to cover up for a neglect of routine inspection duties, particularly at the time when the second Respondent had applied for a change of name. The Discom is, accordingly, advised to put in place appropriate supervisory mechanisms to obviate the possibility of similar situations arising in future.

8. In conclusion, no intervention with the verdict of the CGRF is warranted and the appeal is hereby disposed off with the following directions:

1. The Appellant, Ms.Vandana Saini, to apply to the Discom for a new connection in her name in respect of her property (i.e. the second floor) and submit necessary documentations as required;
2. The owner of the first floor, Ms. Juhi Saxena, to whose name the connection under issue has already been transferred, is free to either retain the connection or have it disconnected as she desires;
3. The Discom shall ensure that the process of granting a new connection to the Appellant is carried out smoothly and without let or hindrance subject to the fulfilment of prescribed formalities and further, ensure that neither of the parties concerned are subjected to any harassment or inconvenience in the process.


(Sundaram Krishna)
Ombudsman
19.09.2017