

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
, Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Appeal No-225 of 2024

Date of Video Conferencing: 7th November 2024

Date of Order: 19th November 2024

Mr Sandeep Kumar,
997, Dadu Majra Colony, Sector-38,
Chandigarh

.... Appellant

Versus

Executive Engineer,
Division-4, Sector-34,
Electricity Department,
Chandigarh.

.... Respondent

Parties present:

Appellant

Mr Sandeep Kumar in person

Respondent

Executive Engineer,
Division-4, Electricity Department,
Chandigarh



ORDER

The Appellant Mr. Sandeep Kumar R/o 997, Dadu Majra Colony, Sector-38, Chandigarh has preferred an Appeal No-225 against CGRF- Chandigarh order in Complaint No F-22/2024 dated 20.09.2024 filed by Shri Sandeep Kumar. After due diligence the Appeal was admitted on 18.10.2024, as Appeal No. CHD/225/2024. Copy of the appeal as received was forwarded to the Respondents with a direction to submit their remarks/ counter reply on each of the points.

Submissions by the Appellant:

The Appellant has submitted that the orders passed by the Learned Consumer Grievance Redressal Forum (CGRF) Chandigarh in case No. F-22/2024 are without justification and contrary to established principles of law. The Appellant prays for the quashing of the said order.

Facts of the Case:

1. The Appellant is a resident of House No. 997, Dadu Majra Colony, Sector-38, Chandigarh.
2. The property at House No. 997, Dadu Majra Colony, Sector-38, Chandigarh, was originally allotted to Mr. Saran Dass, son of Shri Manohar Lal, vide slip No. 113 dated 25.05.1980 by the Chandigarh Administration.
3. Mr. Saran Dass subsequently sold the said property to Mr. Ishar Singh, son of Shri Sunder Singh, via a General Power of Attorney (GPA) dated 27.09.1984. Thereafter, Mr. Ishar Singh sold the property to Mr. Rajpal, son of Shri Chaudhari Ram, and Mrs. Shashi Bala, wife of Mr. Rajpal.
4. Mr. Rajpal passed away on 29.12.2022, and Mrs. Shashi Bala had passed away earlier on 17.12.2020. Prior to his death, Mr. Rajpal executed a Will on 26.07.2021, bequeathing the property in favor of his son, Mr. Sandeep Kumar (the Appellant). A General Power of Attorney (GPA) was also executed by Mr. Rajpal in favor of the Appellant, Mr. Sandeep Kumar.
5. The Appellant is in possession of the property in question.
6. The Appellant applied for a commercial electricity connection in the name of Shri Saran Dass (the original allottee) for a shop situated within the same premises, i.e., House No. 997, Dadu Majra Colony, Sector-38, Chandigarh. However, the Electricity Department refused to grant the connection.

7. In response, the Appellant filed a complaint (No. F-22/2024) before the Learned CGRF seeking the sanction of the commercial electricity connection. The complaint was dismissed on the grounds that it was "not maintainable."
8. The Appellant, feeling aggrieved by the decision of the Learned CGRF, has now filed the present appeal, challenging the said order.

Respondent's Submission in Response to Appeal No. 225/2024

In response to the appeal filed by the complainant, Sh. Sandeep Kumar, under Appeal No. 225/2024 before the office of the Electricity Ombudsman against the order of the CGRF, Chandigarh, dated 20.09.2024, it is respectfully submitted as follows:

1. Non-Registration of the Complainant as a Consumer

The complainant, Sh. Sandeep Kumar, is not a registered consumer with the Electricity Department. Furthermore, an existing electricity connection bearing Account No. 410/DC41/099700A is already in place under the name of Sh. Saran Dass, categorized under the Domestic Supply (DS) category, for the ground floor of House No. 997, Village Dadu Majra, Colony, UT, Chandigarh.

2. Details of the Application for NRS Connection

The complainant, Sh. Sandeep Kumar, applied for a Non-Rural Supply (NRS) connection for the ground floor of House No. 997, Dadu Majra Colony, UT, Chandigarh, under Reference No. NCA/2024/03459 dated 13.06.2024. In the application, the complainant submitted a General Power of Attorney (GPA) executed by Sh. Saran Dass in favor of Sh. Ishar Singh. However, it is pertinent to note that the GPA in favor of Sh. Ishar Singh is not a registered document. Furthermore, Sh. Ishar Singh executed a GPA in favor of Sh. Raj Pal, which is also unregistered. The unregistered GPA holder, Sh. Raj Pal, subsequently made a Will in favor of Sh. Sandeep Kumar, which is likewise unregistered.

3. Lack of Ownership Proof

The documents submitted by the complainant, including the unregistered GPAs and the unregistered Will, do not serve as valid proof of ownership under Regulation 5.30 of the JERC Electricity Supply Code-2018. As per the said regulation, only registered documents can be



considered valid evidence of ownership for the purposes of applying for an electricity connection.

4. Request for Dismissal of the Appeal

In light of the above submissions, it is most respectfully requested that the present appeal be dismissed, as it is devoid of merit and is not in accordance with the relevant legal provisions.

Deliberation during e-hearing on 07.11.2024: -

During the e-Hearing proceedings on 07.01.2024, the Appellant submitted that he had applied for a commercial electricity connection for a shop located on the ground floor of his premises 997, Dadu Majra Colony, Sector-38, Chandigarh. He stated that all formalities required to avail of the commercial connection were completed. However, his application (No. NCA/2024/03459 dated 13.06.2024) was subsequently rejected by the Electricity Department. The Appellant also highlighted that several other houses in the vicinity have commercial electricity connections for shops established within their respective premises.

The Respondent, represented by the Executive Engineer, Division-4, provided the following clarifications:

1. The Appellant, Mr. Sandeep Kumar, applied for the electricity connection in the name of the original allottee, Mr. Saran Dass, who sold the property to Mr. Ishar Singh in 1984.
2. The Appellant attached a registered General Power of Attorney (GPA) issued by Mr. Saran Dass to Mr. Ishar Singh. Subsequently, Mr. Ishar Singh issued an unregistered GPA to Mr. Rajpal, who later executed an unregistered WILL in favor of his son, Mr. Sandeep Kumar (the Appellant in present case).
3. As per Regulation 5.30 of the JERC Electricity Supply Code, 2018, these documents are insufficient to establish ownership and, therefore, do not meet the requirements for obtaining a new electricity connection.

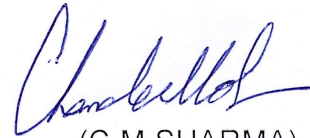
Additionally, the Appellant admitted that the original allottee, Mr. Saran Dass, is deceased. He acknowledged that applying for the connection in the name of the deceased allottee was an error.



Subsequently, the Appellant submitted an affidavit dated 12.11.2024, declaring his intent to withdraw the present appeal at this stage.

DECISION

- (A) For the reasons discussed above, the request by the Appellant is allowed and appeal is dismissed as withdrawn.
- (B) The Order in Complaint No- F-22/2024 dated-20.09.2024, passed by Learned CGRF-Chandigarh is upheld.
- (C) A certified copy of the order be supplied to the Respondent Executive Engineer, Electricity Department, Chandigarh.
- (D) The appeal is disposed of accordingly.



(C M SHARMA)

Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 19.11.2024