

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,
Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in

Appeal No.160 of 2022|326-330

Date of Video Conferencing: 24.03.2022

Date of Order: 25.03.2022

Shri Sanjeet Singh,
Chandigarh

.... Appellant

Versus

The Superintending Engineer,
Electricity Department,
Chandigarh and others

.... Respondents

Parties present:

Appellant(s)

1. Shri Sanjeet Singh

Intervenor

1. Brig Ranjeet Singh

Respondent(s)

1. Shri Surinder Kumar
Executive Engineer



Date of Order: 25.03.2022

The Appellant has preferred an Appeal against the order of the Learned CGRF-Chandigarh in the Complaint no.-C-120/2021 dated-03.12.2021. The Appeal was admitted on 10.02.2022 as Appeal No.160 of 2022. Copy of the same as received was forwarded to the Respondents/Intervenor, with a direction to submit their remarks/ counter reply on each of the points. Copy of the counter reply of the Respondents/Intervenor was supplied to the Appellant. The Appellant has filed the Rejoinder.

Settlement by Mutual Agreement

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 24.03.2022 and were heard. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement mutually agreeable could be reached. The hearing therefore, continued to provide reasonable opportunity to both the parties to put forth their pleading on the matter.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

1. FACTS OF THE CASE

- i. That I had a permanent connection for the existing First Floor in my name which I surrendered to enable new construction. A temporary connection was issued in my name to enable the construction.
- ii. That permission to construct the new construction was applied jointly with my brother. If permission for construction has been applied for jointly then Ranjeet Singh Ghuman cannot be sanctioned a permanent connection individually without my NOC.
- iii. We applied temporary connection for construction. While the temporary connection still exists the SDO Electrical Department cannot make connection permanent for the first floor without my NOC. Temporary connection cannot be split to permit one application to get a permanent connection. Two connections cannot be sanctioned for the same purpose.
- iv. Furthermore Ranjeet Singh Ghuman applied for a permanent Electrical Connection for the First Floor by submitting a false affidavit that he is the owner and in possession of the FIRST FLOOR without submitting any proof in support of this claim.
- v. That I reiterate I did not give any NOC in favor of Ranjeet Singh Ghuman for sanction of this permanent electrical connection. However the SDO has released the permanent connection without following existing rules. I further say that the same set of rules for NOC be applicable for Ranjeet Singh Ghuman as are applicable for the rest of the citizens of Chandigarh.
- vi. Moreover there is no procedure wherein the electrical department can decide the issue of possession on the ground between 2 co-owners especially when there is no partition or MOU between the parties and the matter is in dispute in the court and in the law enforcement department. Furthermore and this without notice or information to the other



- owner. Ranjeet Singh Ghuman forcefully entered the premises on 21.09.2021 and the permanent connection applied by Ranjeet Singh Ghuman on 12.10.2021 was in haste with the malafide intention to prove his possession and sanctify his forceful entry on 21.09.2021. Entry by force into a premise cannot be given a stamp of approval by the electrical department.
- vii. That the temporary connection in the premises for ongoing construction still exists. That Ranjeet Singh Ghuman applied for the permanent connection even before the first bill for the temporary connection was raised. The first bill has been paid by me. No bill against the temporary connection has been paid by Ranjeet Singh Ghuman. The permanent connection can only be issued on completion of the construction and cannot be applied for and sanctioned piece meal.
- viii. That at the time Ranjeet Singh Ghuman applied for the permanent connection the construction of the first floor was still in progress. So the application made by him was invalid.
- ix. I submit that I and my brother Ranjeet Singh Ghuman have an ongoing property dispute with regard to title and possession. This matter is in the civil court as well as with the police. I have filed a Civil Suit for declaration of 100 % title of the house in my favor. The CIVIL SUIT No. 2078/2021 SANJEET SINGH vrs RANJEET SINGH GHUMAN is pending in the Court of Civil Judge and the next date is 01/12/2021.
- x. That Ranjeet Singh Ghuman is resident of house No. 881, Sector-2, Panchkula and has never lived in House No. 332, Setor-21 A, Chandigarh.
- xi. That I do not give consent (NOC) to Ranjeet Singh Ghuman for sanction of permanent electrical connections individually for the First Floor and Second Floor.
- xii. So I request that the permanent electrical connection sanctioned applied for against the rules on wrong facts and false affidavit be cancelled.
- xiii. My grievance has not been addressed by the CGRF.
- xiv. There is a disagreement on the final decision between 2 Hon'ble Members and legal Member of the CGRF who has given dissent to the final decision.

(B) Submissions by the Respondents :

Shri Surinder Kumar, Executive Engineer on behalf of the Respondent/Electricity Department-Chandigarh, vide his email dated-03/03/2022 submitted the counter reply as under: -

Preliminary Submission

- i. That the aforesaid appeal has been filed by the complainant/appellant before the Hon'ble Electricity Ombudsman, against the order dated 03.12.2021 passed by the Hon'ble CGRF, Chandigarh in complaint No. C-120/2021, seeking relief regarding disconnection of permanent electricity connection which has given to Sh. Ranjeet Singh Ghuman. He has also alleging that the same has been obtained on the basis of false claims and without N.O.C. A copy of said CGRF order dated 03.12.2021 is enclosed as Annexure – A.
- ii. That the complainant filed complaint before the Hon'ble CGRF Chandigarh and the same has been disposed of by the forum that "electricity is an essential service for any human

- being and Sh. Ranjeet Singh cannot be barred off from the essential services being equal owner of house”.
- iii. That the order passed by the Hon’ble CGRF, in the complaint filed by the complainant/appellant is valid and legally sustainable.
 - iv. That the Hon’ble CGRF, while passing the order dated 03.12.2021 has also held that Sh. Ranjeet Singh is equal owner (50%) of House No. 332, Sector 21-A, Chandigarh and there is no error in the order passed by the Hon’ble CGRF.
 - v. That, while applying the electricity connection in respect of the premises in question, Sh. Ranjeet Singh has submitted the copy of Transfer Letter dated 19.05.1989 issued by the Chandigarh Administration in the joint name of Sh. Sanjeet Singh (Complainant/appellant) and Sh. Ranjeet Singh. As per the said Transfer Letter, the rights in respect of premises i.e. House No.332, Sector 21-A, Chandigarh have been transferred to both i.e. Sh. Sanjeet Singh and Sh. Ranjeet Singh, sons of Col. Avtar Singh Ghuman, in equal share. A copy of the said document is enclosed as Annexure-B. A copy of the Undertaking and Affidavit submitted by Sh. Ranjeet Singh are enclosed as Annexure -C. Further, as per the information from the website of the Chandigarh Administration provided by Sh. Ranjeet Singh, has also shows that Sh. Ranjeet Singh has equal share i.e. 50% in the premises in question. A copy of the same is enclosed as Annexure-D.
 - vi. That it is relevant to mention here that as per the copy of Sale deed dated 07.04.1989 received from Sh. Ranjeet Singh on 09.11.2021, also proves that both Sh. Sanjeet Singh and Sh. Ranjeet Singh are owners in respect of 50% equal share in the premises in question. A copy of the Sale deed is enclosed as Annexure -E.
 - vii. That while providing electricity connection to Sh. Ranjeet Singh, the electricity department had obtained the requisite documents as prescribed in Clause No. 5.30 of Chapter 5 of JERC (for the State of Goa and Union Territories) Electricity Supply Code Regulations, 2018 regarding procedure for providing new electricity service connection.
 - viii. That the contention of the complainant/appellant in the appeal regarding NOC is baseless and misconceived. In this regard, it is relevant to mention here that as per sub clause (7) of Clause No.5.30 of Chapter 5 of JERC, Electricity Supply Code Regulations, 2018, No Objection Certificate (NOC) is required where the applicant is not an owner but an occupier of the premises, whereas in the present matter, as per the documents, Sh. Ranjeet Singh is the owner in respect of the 50% share in the premises in question and



accordingly, the electricity connection has been rightly provided to Sh. Ranjeet Singh. As already mentioned, the Hon'ble CGRF in the order dated 03.12.2021.

- ix. That no document or Court order has been produced by the complainant/appellant in support of his contention that only he is the absolute owner of the premises in question. The complainant/appellant has provided a copy of petition filed by him before the Civil Court. However, the complainant has not submitted any order or stay order from the Court. Hence the electricity connection has rightly been provided to Sh. Ranjeet Singh on the basis of the documents and after complying all the requisites formalities and procedure and the contentions of the complainant/appellant are vague, baseless and misconceived.
- x. That pursuant to the Admission Notice dated 10.02.2022 received from the Hon'ble Electricity Ombudsman, whereby it has been inter-alia advised to endeavor to settle the representation through mutual agreement, efforts were made by requesting the complainant/appellant and Sh. Ranjeet Singh for visiting the office to settle the issue with mutual agreement, however, the complainant has not responded.
- xi. That the complete set of Application for release of new electricity connection and all attached documents as applied by Sh. Ranjeet Singh is enclosed as Annexure F. Copies of all the correspondence made and replies submitted by Sh. Ranjeet Singh and Sh. Sanjeet Singh are enclosed as Annexure -G.

REPLY ON MERITS OF ITEM NO.7 (DETAILS OF REPRESENTATION):

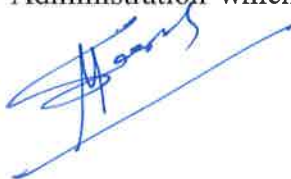
- (a) That in response to the corresponding point no.1, it is submitted that the complaint of the complainant has been thoroughly examined by the Hon'ble CGRF Chandigarh and has been found to be baseless. It is submitted that the Hon'ble Forum has held that electricity is an essential service for any human being and Sh. Ranjeet Singh cannot be barred off the essential services being equal owner of house.
- (b) That in response to the corresponding point no.2, it is submitted that the dissenting view rendered by the Hon'ble member of CGRF Chandigarh is not sustainable being contrary to the record and regulations. However, since the complaint has been rejected by the Hon'ble Forum by majority view, which is completely legal therefore the same is binding upon the complainant/appellant.



- (c) That in response to the corresponding point no.3, it is submitted that issuance of notices in question does not render the order in question as nullity as the electricity connection to Sh. Ranjeet Singh has been released as per regulations as stated in preliminary submissions.
- (d) That in response to the corresponding point no.4, it is submitted that the contention of complainant that Hon'ble Forum has observed that affidavit provided by Ranjeet Singh is not as per the proper format is incorrect and misconceived. It is pertinent to mention that the Hon'ble CGRF Chandigarh in the order dated 03.12.2021 has held that the objection of the complainant/appellant that the affidavit made by Sh. Ranjeet Singh is false is not in the preview of the Forum. It is submitted that the affidavit has been obtained as per the regulations.
- (e) In view of the submissions made above, it is prayed that the appeal filed by the complainant/appellant may kindly be dismissed.

(C) Intervenor Submission:

- (i) I, Brig Ranjeet Singh Ghuman, am a retired Army Officer with 36 years of service in the Infantry. That I have led a very disciplined service life and the current contours of the electricity connection dispute in the infructuous Case related to the property are extremely distressing and stressful to me.
- (ii) That I along with my brother Sanjeet Singh are the joint owners in equal share of House No.332, Sector 21 A, Chandigarh (R P No 2921). The said house was purchased vide Registered Sale Deed dated: 07.04.1989. The said deed was got signed by the undersigned and my father Col Avtar Singh. Copy already handed over to CGRF, Chandigarh.
- (iii) That immediately after the sale deed the same was transferred in my name and my brother's name in equal share by the Chandigarh Administration vide letter No. 8867/RP 2921/G-one dated 19.05.1989 (Photocopy of the said letter is attached as **Annexure 1**).
- (iv) The house when purchased was a very old construction, so we (me and my brother) decided to demolish the old construction as per advice of Mr. Sanjeet Singh, who is an Engineer and the structural engineer (copy of report attached as **Annexure 2**). For this purpose, a site plan was prepared by both of us from Mr. Harish Gandhi, Architect, which was got approved and sanctioned from the Estate Office, Chandigarh. The said site plan was duly signed by the undersigned as well as my brother Mr. Sanjeet Singh. After the site plan was duly prepared by the Architect, an application in form "K" was also given to the Chandigarh Administration which was also signed by me and my



brother Sanjeet Singh as well as Mr. Harish Gandhi, Architect (photocopy of the said application is attached as **Annexure 3**). The Chandigarh Administration sanctioned the said site plan and stamped the same on the application Form K.

- (v) That thereafter, with the consent of both the brothers (me and Sanjeet Singh) the process for demolishing the old existing partially built house, constructed in around the year 1968 (which was purchased from Dr Hotu Singh Vermani) was started (Photo of commencement of demolition after puja as **Annexure 4**). The said house was demolished in October – November 2020. Now the new structure of house which consists of basement and three storeys has been constructed. It is pertinent to mention here that on commencing the construction Sanjeet Singh took my NOC for installation of temporary electricity meter which was in his own hand-writing. Photocopy attached as **Annexure 5**.
- (vi) That on 21 September 2021, all of a sudden Mr. Sanjeet Singh and his wife Mrs. Jyoti Kaur have started claiming the entire house. They gave various complaints to the police authorities without any justification, leveling various types of false and fabricated allegations against me and my wife. The said allegations were baseless and a figment of imagination with an apparent greed to usurp the entire property in question.
- (vii) Their claims of complete ownership were found to be false by the Police including false accusations against me for which I had submitted a suitable reply. Both parties were summoned by DSP (East) responsible for Sector 21, Chandigarh area. Sanjeet Singh was warned and the matter was resolved with no further action by the Police. The construction of the house thereafter continued as hitherto fore, Sanjeet Singh on Ground Floor and self on First and Second Floor respectively.
- (viii) Since 2nd floor was almost complete with entire electricity layout in place including main board etc., we decided to occupy the 2nd floor and continue the balance finishing of the 1st floor under our personal supervision. Accordingly on 12 October 2021, I applied for the permanent electricity connection for the 2nd floor. At that stage there was no dispute and 2nd floor was complete and occupied by me and my wife.
- (ix) Officials of the Electricity Department confirmed the above facts on two occasions, once on my application and second time on directions during hearing with the Consumer Grievances Redressal Forum (CGRF). The Chairman and One Member official were clearly of the opinion that the connection was correct and lawful and more so since we were living there.



(x) Subsequently and surprisingly, Sanjeet Singh filed a Civil Suit on false trumped-up allegations in the Lower Courts, Chandigarh. All his allegations have been replied to, by our Advocate with documentary evidence and the case is now sub-judice.

(xi) The Interim Order passed by the Hon'ble Court on the case recognising me as 50% owner of the property is attached at **Annexure 6** for information.

(xii) **Hiding and Misrepresenting Facts to Concoct a False Case against the Electricity Connection—**

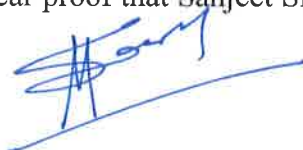
The complaint by Sanjeet Singh against installation of Electric Connection to Second Floor of my share of the house has been lodged with the mala-fide intention to harass and defame me. The entire case by Sanjeet Singh is based on false & fabricated statements and by blatantly hiding facts from the Electricity Department & CGRF to misrepresent his case as under:

- a) Sanjeet Singh did not attach the Registration of the house no. 332, Sector 21-A, Chandigarh dated 07 April 1989 which is in both our names in the share of 50% each.
- b) Instead, falsely accused me of having fraudulently got my name registered in the sale deed 32 years ago, which is neither correct nor possible. If so, he should have gone to the Court in these 32 years.
- c) He does not mention that we mutually decided to demolish the old construction and build a new house and that by mutual consent we decided that Sanjeet Singh would build and occupy the ground floor as his 50% share and I would build and occupy 1st & 2nd floor as my 50% share and a basement has also been constructed which we both share 50% each.
- d) That we together confirmed our ownership of the house from the Estate Office, Chandigarh.
- e) Sanjeet Singh also hide the fact that common architect Mr. Harish Gandhi was engaged to draw up architecture plans and these were got approved by UT Estate Office under both our signatures.
- f) That we jointly commenced the demolition of the old building with a puja and jointly struck the first "pickaxe" for demolition. Photo attached as at Annexure 4.
- g) Sanjeet Singh does not mention that a Common contractor by mutual consent was engaged to carry out construction. I have all the bills to show the proof for construction.
- h) Sanjeet Singh is hiding the fact that before getting the temporary electricity connection for the construction in his name, the connection has continued since



purchase of the property in the name of Sh. Moti Singh (misprinted from Hotu Singh, the earlier owner).

- i) Sanjeet Singh did not disclose to the CGRF that I gave him NOC on his request to get the temporary connection in his name.
 - j) He has falsely claimed that he was getting the Ground Floor 'renovated' and 1st and 2nd floor constructed. A blatant lie – since the entire old house has been demolished and a new construction comprising of one basement and three floors has been constructed. Photos attached as **Annexure 7(a) &7(b)**. It is surprising how a major fact like this can be misrepresented to a government department.
 - k) He also failed to inform that the Police has not taken into consideration the dispute raised by him and his wife, and that the construction was continued in the absence of any established reason for dispute.
- (xiii) In view of the above fabricated lies and hiding of facts reported by Sanjeet Singh in his complaint, the CGRF has most justifiably and correctly assessed the case and given its' order dated 03 December 2021 in favour of the electricity connection in my name.
- (xiv) As regards issues raised by the independent Member, the replies thereto are given in the following paras.
- (xv) Refer Issue No. (i) – The para has been written too elaborately and tends to confuse the issue rather than raise relevant point. The issue is clarified as under:
- a) House No 332, Sector 21 A, Chandigarh is jointly owned by self and Sanjeet Singh. By raising objection to my ownership without proving his own does not make him sole owner of the house. Since the Sale Deed mentions both our names in equal share.
 - b) Fact is that by mutual consent we decided to occupy our respective 50% share each as explained in earlier paras.
 - c) Since Sanjeet Singh opted for the ground floor as his 50% share whereas I opted for the 1st floor (30%) & 2nd floor (20%) as my 50% share.
 - d) After completing the top floor, I am residing there which was being falsely questioned by Sanjeet Singh. **Annexure 8**
 - e) Even when the Chairman asked Sanjeet Singh whether he has personally seen the status of construction of the Second Floor, Sanjeet Singh had replied that he has not, since he cannot go up there due to presence of Brig Ranjeet Singh and his wife.
 - f) WhatsApp messages between the architect, me, Sanjeet Singh and Sanjeet Singh's wife Jyoti Kaur provide a clear proof that Sanjeet Singh is constructing the ground



floor and I constructing the 1st & 2nd floors. A copy of which were provided to the CGRF, Chandigarh.

- g) Reference to Civil Writ Petition (CWP) No.18559 of 2016 decided on 23.11.2021 has been made by the Independent Member which was not there during the CGRF meetings and is an afterthought. However, to clarify that the co-owner does not become sole and exclusive owner of a specific portion. Since the owners have to have a reasonable division of house to occupy, the partition of portions has to be decided by the two mutually and to that extent I am in possession of my 50% share i.e., 1st and 2nd Floor and Sanjeet Singh in possession of Ground Floor.
- (xvi) Refer Issue No (ii) – Facts on this issue have already been explained in earlier paras. All false accusations by Sanjeet Singh and his wife Jyoti Kaur as described were investigated by Police which did not proceed further on the case and hence no dispute was made out at that stage and construction continued uninterrupted. It was much later i.e., on 16 November 2021 that Sanjeet Singh again submitted a writ petition in the Court. As such he now raised the dispute.
- (xvii) Refer Issue No (iii) – As mentioned earlier a blatant lie has been perpetrated by Sanjeet Singh in misleading the Department and the CGRF that it was renovation of Ground Floor and construction of 1st and 2nd Floor, whereas the entire old construction was razed to the ground and a basement and three floors constructed. Issue of electricity connection to the completed 2nd floor has already been clarified by Hon'ble Chairman CGRF and the member CGRF.
- (xviii) In view of the foregoing, it's once again clarified that request for electricity connection to 2nd floor was made due to the completion of construction and occupation by me and family, where we continue to reside to this day. You are requested to conclude this unnecessary, frivolous and fabricated complaint by Sanjeet Singh, thus wasting precious time and effort of the Electricity Department, the CGRF and avoidable harassment and mental stress to the undersigned.

(D) Ld. CGRF-Chandigarh order no.- CC -C-120/2021 dated-03.12.2021, preferred for Appeal:

- (i) Ld. CGRF-Chandigarh has passed the order and relevant part is reproduced below: -

Order

1. "The case is closed with above observation and directions.
2. In case the complainant is not satisfied with the above decision, he is at liberty to file an appeal before Hon'ble Electricity Ombudsman for State of Goa and Union Territories."



(E) Deliberations during Video hearing on 24.03.2022:-

1. Appellant's Submission:

- a) Shri. Sanjeet Singh - Appellant, reiterated his version as submitted in the Appeal/Rejoinder.
- b) He submitted that he has not given NOC to release Electricity Connection on Top Floor and there is no mutual agreement that Top floor is with Mr. Ranjeet Singh.
- c) He further stressed that Mr. Ranjeet Singh has sworn a false affidavit that there is no dispute among them. He relied on the dissenting note of Nominated Member of CGRF and requested that connection granted to Mr. Ranjeet Singh for Top Floor be permanently disconnected
- d) On being asked under which Rules his NOC was required or under which Rules connection cannot be released to Mr. Ranjeet Singh, he pleaded ignorance of Rules/Regulations.

2. Intervenor's Submissions:

- a) Shri Ranjeet Singh - Intervenor, reiterated his version as submitted in the counter reply.
- b) He submitted that he is a co-owner with 50% rights in the property. The entire house was demolished and Architectural drawings were jointly got approved from Chandigarh Administration before starting the construction. There was clear understanding that being elder brother Mr. Sanjeet Singh will occupy the Basement as well as Ground Floor and I will occupy First and Second Floor but later on Mr. Sanjeet Singh started disputing the understanding. However, as the Second-Floor construction was complete so he occupied the same and applied for Electricity Connection which was rightly granted by the Electricity Department

3. Respondent's Submission:

- a) Shri Surinder Kumar -Executive Engineer, reiterated his version as submitted in the counter reply to the appeal.
- b) He submitted that connection has been rightly granted as per Regulations to Mr. Ranjeet Singh being 50 % co-owner as per Estate Office letter dated-19.05.1989 and they are unnecessary being dragged in their property dispute.

(F) Findings & Analysis: -

1. I have perused the documents on record, CGRF orders and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The only issue which have arisen for considerations in the present Appeal is as under: -
 - i. Whether the Electricity connection released by the Respondents in the name of the Intervenor-Brig Ranjeet Singh is in order or not?
4. Regarding issue no 3(i) as above, as to whether the Electricity connection released by the Respondents in the name of the Intervenor-Brig Ranjeet Singh is in order or not?



- (a) Following provisions have been provided in the Supply Code Regulations, 2018, notified by the Hon'ble Regulatory Commission as amended thereof : -

“Procedure for providing New Electricity Service Connection

Application Form

- 5.24 The applicant shall apply for release of new connection in the following format as given in the Annexure to this Supply Code, 2018:
- Application form for release of new connection (Low Tension) – Annexure-I
 - Application form for release of new connection (High Tension/ Extra High Tension) Annexure-II
 - Format for declaration/undertaking to be signed at the time of receiving electricity supply - Annexure-III
- 5.25. Application forms shall be available at the local office of the Licensee free of cost. The Licensee shall also put up all application forms on its website for free download. Legible photocopies of a blank form may be made by the applicant, which shall be accepted by the Licensee. The Licensee shall clearly display on its website; the address and telephone numbers of offices where filled-up application form can be submitted. The Licensee shall also display in each office, the address and telephone numbers of offices in the respective area of supply where filled-up application form pertaining to that particular area can be submitted. Any assistance or information required in filling up the form shall be provided to applicants at the local office of the Licensee.
- 5.26. The Licensee shall also provide new avenues for applying for new connection or modification in existing connection through website, mobile application, call centres, etc., which minimize the applicant's interface with the utility during the process.
- 5.27. Application forms for new connection must be accompanied with a photograph of the applicant, identity proof of the applicant, proof of applicant's ownership or occupancy over the premises for which new connection is being sought, proof of applicant's current address, and in specific cases, certain other documents as detailed in Regulation 5.29-5.34 of this Supply Code, 2018.
- 5.28. Non-Refundable Registration-cum-processing fees of Rs. 20,000/- for HT and Rs. 1,00,000/- for EHT shall be levied while applying for new connection. These charges shall be adjusted by the Licensee while issuing the demand note.
- 5.29. Any of the following documents shall be considered as acceptable proof of identity:
- If the applicant is an individual:
- (1) Electoral Identity Card
 - (2) Passport
 - (3) Driving Licence
 - (4) Photo Identity card issued by Government agency
 - (5) PAN Card
 - (6) Photo Certificate from village Pradhan or any village level Government functionary like Patwari/ Lekhpal/ village level worker/ village chowkidaar/ Primary school teacher/ in-charge of primary health centre, etc.
 - (7) Aadhaar Card.
- 5.30. Any of the following documents shall be considered as acceptable proof of ownership or

occupancy of premises:

- (1) Copy of the registered sale deed or lease deed or rent agreement and in the case of agricultural connections, a copy of khasra / khatauni / khata nakal;
- (2) Registered General Power of Attorney;
- (3) Municipal/Panchayat tax receipt or Demand notice or any other related document;
- (4) Letter of allotment;
- (5) Copy of the house registration certificate issued by the Panchayat/ownership certificate issued by Revenue Authorities;
- (6) Any other ownership related document issued by local Government Authority.
- (7) An applicant who is not an owner but an occupier of the premises shall, along with any one of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from owner of the premises:

Provided that where an applicant, who is lawful occupier of the premises, is a tenant or a leaseholder and is unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee.

- (8) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the Licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises only for the purpose of releasing electricity connection and not for any other purpose:

Provided further that the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or title over the premises.

5.31. All communications shall be sent at the address where the connection has been released. However, till release of connection, communication may be sent at the address provided by the applicant for this purpose.

5.32. In case of a partnership firm - The applicant shall furnish the partnership deed and an authorization in the name of the applicant for signing the requisition form and agreement.

5.33. In case of Public and/or Private Limited Company - The applicant shall furnish the Certificate of Incorporation, Memorandum and Articles of Association and Board Resolution for authorization in the name of the applicant for signing the requisition form and agreement.

5.34. Other documents applicable only for select consumer categories:

- (i) Industrial consumers: Valid Industrial Licence, if applicable, along with approval of the use of land for non-agricultural purposes (Not required for industrial consumers in notified Industrial Areas).
- (ii) Agricultural consumers: No Objection Certificate from competent government authority;
- (iii) Non-Domestic Khokhas and Temporary Structure: No Objection Certificate for khokha or temporary structure from the Nagar Nigam / Nagar Palika / Nagar Panchayat / Gram Sabha / Gram Panchayat / Land Development Authority / Land Owning Agency

- (iv) Where new industrial connection or addition to the load of existing connection needs clearance from pollution or environmental angle, the applicant shall submit "no objection certificate" from the competent authority to the Distribution Licensee
- (b) As per above said Regulations -5.29, the Intervenor is required to submit any of document as mentioned above to prove his identity. The Intervenor has submitted **Two** documents such as (i) Aadhar Card,(ii) PAN Card with the Application for New Connection (Low Tension Service). He further supplied to Respondents(iii) Residence Certificate dated-22.03.2010 issued by SDM(East)- U.T. Chandigarh, (iv) Driving Licence dated-25.05.1999, (v) Passport dated-18.01.2012, (vi) Certificate of Registration of Maruti car in U.T. Chandigarh, dated 30/05/2018 (vii) SBI Bank passbook dated-27.10.2020 and (viii) Axis Bank passbook dated-30.08.2019, in response to Respondent's letter dated-5043 dated-08.11.2021. In all said Eight documents the address has been written as "House No-332, Sector-21-A, Chandigarh". These Eight documents clearly prove his identity and further prove that the Intervenor-Brig. Ranjeet Singh is a resident/occupant of House No-332, Sector-21-A, Chandigarh.
- (c) As per Regulations -5.30, the Intervenor is required to submit any of document as mentioned above to prove his ownership or occupancy. The Intervenor has submitted the copy of letter /Transfer deed dated-19.05.1989 of the Estate Officer, Chandigarh Administration in which it has been recorded that Transfer of rights of the Plot/house in question has been recorded in favour of Shri Sanjeet Singh and Maj. Ranjeet Singh both sons of Col. Avtar Singh. This document also proves the ownership/occupancy of the Intervenor.
- (d) The plea of the Applicant that his brother has fraudently got his name entered in the Revenue Record/Transfer deed in 1989 is beyond the jurisdiction of this authority and is required to be adjudicated by the competent court. There are enough documents on record that Intervenor is an occupant in the premises and therefore cannot be denied the right of an electricity connection as per Regulations being co-owner/co-sharer. The similar views were expressed by Hon'ble Civil Judge (JD) -Chandigarh, vide order dated-10.01.2022, while hearing for ad interim injunction. The relevant part is reproduced below: -
- "Heard. Admittedly, the plaintiff has challenged the sale deed dated 07.04.1989 but prima facie if we go by document, he is co sharer at this stage. Defendant no. 1 has already appeared and case is fixed for filing his written statement. Further, it is well settled law that a co-owner in exclusive possession of the joint property can raise construction and enjoy the same. If he raises any construction, it does not amount to ouster of the other co-sharers because any such construction will be subject to partition and removal without any demur if found on any part in excess of his share. As such, apprehension of the applicant/ plaintiff if any is very much covered by the above said point. No ground is made out to grant ad interim injunction at this stage. "*
- (e) *It must be kept in mind that electricity supply is an essential service and a part of fundamental right to life. In **Chameli Singh v. State of UP** reported in **AIR 1996 SC 1051**, Hon'ble Apex Court, while discussing the components of right to life, specifically observed that the right to life includes the right to live with human dignity and further, while discussing right to shelter, held that right to shelter includes electricity.*
- (f) Further Hon'ble High Court at Calcutta Circuit Bench at Port Blair in its Constitutional Writ Jurisdiction in the Writ Petition No.-423 of 2010, has clearly decided as under: -

“We therefore hold that a person in settled possession of a property as illustrated in the case of Rama Gowda (Supra) is free to apply for supply of electricity without consent of the owner of the same and is entitled to get electricity connection and enjoy the same until he is evicted by the due process of law.

We, have already pointed out that either in the Electricity Act, 2003 or in this Rules of 2006, there is no procedure prescribed for resolving the dispute as to the status of an occupier in the property over which the electricity is sought to be brought or over which any work is to be constructed by the licensee for giving connection of electricity to any person. To construe the word “lawful” appearing in the Rule as “having perfect legal title to possess would lead to absurdity in implementing the object of the Act and the Rules. In that event, at every stage, the licensee would face problem in giving electricity whenever any dispute as to the title of a person to remain in possession would be raised by any other person claiming to be the owner having lawful title over the property in question and the licensee would be required to wait until such a dispute is resolved by a competent court in a protracted litigation. We, therefore construe the word “lawful occupier” appearing in the Rule as “the person in settled possession”.

Since all the land in these islands belong to the Union of India, the latter is not required to file a civil suit for eviction of a trespasser and the trespassers can be evicted by taking recourse to Regulation of 1966. However, so long such a trespasser in settled possession is not so evicted, he should be entitled to get electricity with the aid of Section 43 of the Electricity Act on compliance of the terms of supply as provided under law. It is needless to mention that the enjoyment of such electricity will not confer any right or equity to favour of the TRESPASSER in occupation to defeat the title of lawful owner.

(g) In view of above dictum of Hon’ble Apex court and High Court the release of Electricity Connection in no way confers any right to the ownership of plot/house., but only guarantee a right to live, till one is evicted by following the due process of law. The Intervenor has supplied all the documents as required for release of a new connection and the Respondents have followed the Regulations as notified by the Hon’ble Regulatory Commission. Therefore the order of Ld. CGRF is in order and required to be upheld.

5. I have perused the dissenting note of the Hon’ble Nominated Member of CGRF .Hon’ble Nominated Member has erred in not appreciating that both Mr. Sanjeet Singh and Mr. Ranjeet Singh (Brothers), are 50% shareholders in the property since its purchase in the year 1989 as per Transfer letter issued by the Estate Officer on 19.05.1989.

If the Intervenor Mr. Ranjeet Singh could not prove that he is the sole and absolute owner of **Top floor**, Sh. Sanjeet Singh also could not prove that he is sole and absolute owner of **Top floor or any floors**. In VC hearing Mr. Sanjeet Singh admitted that he is in occupation of Basement and Ground Floor whereas Mr. Ranjeet Singh is in occupation of First and Second Floor, though he has filed a court case for 100% ownership rights to all the floors. Presently, both have 50% share in the property and it is for them to decide the dispute regarding division of property, mutually or through a competent court. As far ownership and occupancy are concerned the Transfer deed proves the co-ownership of Appellant as well as Intervenor. The eight documents produced by Mr. Ranjeet Singh proves that he is a resident/occupant of the premises. These documents are enough to release the Electricity connection. Electricity Department is bound to release connection to fulfil its statutory duty

under section-43 of the Electricity Act-2003, but unfortunately the Hon'ble Nominated Member preferred to adjudicate the ownership issue which is beyond his jurisdiction.

As quoted by Hon'ble Nominated Member himself that Hon'ble Punjab & Haryana High Court while dealing a matter in Civil Writ Petition CWP No. 18559 of 2016 decided on 23.11.2021 has categorically decided "that a home buyer purchasing a share in a residential building before being put into possession of a particular floor/specific portion could not assert exclusive ownership of the area. The home buyer only becomes co-owner/co-sharer to the extent of his shareholding in the entire site/building, which remained in joint ownership". Secondly "specific portion under the occupation of a co-owner was not accorded any recognition by the Estate Officer in any manner. The co-owner did not become the sole and exclusive owner of such specific portion under his occupation. Occupation/possession of a specific portion, be it a floor of a joint property by a co-owner didn't amount to apart mentalisation".

But Hon'ble Nominated Member has failed to appreciate that this decision is equally applicable to both the Appellant as well as Intervenor and no co-owner/co-sharer can claim ownership right of any floor till the dispute regarding division of property, is decided mutually or through a competent court.

His second contention that a false affidavit has been tendered, also carry no weight as it is Sh. Sanjeet Singh who is creating a dispute, otherwise also Sh. Ranjeet Singh has indemnified/authorized the Electricity Department to disconnect the electricity supply without assigning any reason. Even in the Annexure -IV of the Appeal, it has been certified by Mr. Sanjeet Singh that no court case is pending before any such court and on the other hand he is claiming that matter is pending for 100% ownership rights.

I also do not find any merit in the third contention of Hon'ble Nominated Member that permanent connection to Second floor cannot be released till all the floors are completed and there is a revenue loss. Purpose of Temporary connection and Permanent connection are different. If after availing a temporary connection some portion has been completed and a permanent connection can be released as per Rules/Regulations, it is required to be released within the stipulated time period as per Regulations and the holder of connection is free to use it whether for testing or residency. In view of the above submission, I do not agree to the dissenting note of Hon'ble Nominated Member.

(G) DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is hereby dismissed being devoid of merits.
- (ii) The Order in Complaint No- C-120/2021 dated-03.12.2021, passed by Learned CGRF-Chandigarh is upheld.
- (iii) It is made clear that release of individual electricity connection to Mr. Ranjeet Singh for Top Floor **shall be only for electricity supply to the premises occupied by him and shall not be treated as having rights or title over the premises**, which will be subject to pending court case.
- (iv) In view of pending court case, regarding ownership the Electricity Department/Respondents should send a notice of 15 days (along with a sample of the Indemnity Bond) to Mr. Ranjeet Singh to submit the Indemnity Bond, failing which the connection released to the Top Floor , may be Temporarily/Permanently

disconnected as per Regulation-9 of Supply Code Regulations-2018 as amended thereof.

- (v) The Electricity Department/Licensee should submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within **30 days** from the issuance of this Order by email.
- (vi) In case, the Appellant or Intervenor or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (vii) Non-compliance of the orders of the Electricity Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Hon'ble Regulatory Commission under the provisions of the Electricity Act, 2003.
- (viii) The appeal is disposed of accordingly.


25/03/2022

(M.P. Singh Wasal)

Electricity Ombudsman

For Goa & UTs (except Delhi)

Dated 25.03.2022

CERTIFIED TRUE COPY
A/uy
25/3/22
REGISTRAR
O/O ELECTRICITY OMBUDSMAN
Joint Electricity Regulatory Commission
(For the State of Goa & UTs)
Gurugram (Haryana)

