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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15th January 2026

+ W.P.(C) 5456/2024, CM APPL. 22529/2024 & CM APPL. 49714/2024

DEVENDRI DEVIPetitioner

Through: Mr. Himanshu Kaushik and Mr. Rishabh Pandey, Advocates (through VC).

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Dhruv Rohatgi, Ms. Chandrika Sachdev and Mr. Dhruv Kumar, Advocates for R-1.

Mr. Manish Srivastava, Mr. Moksh Arora, Mr. Santosh Ramdurg, Advocates for R-2 with Mr. Amit Singh, AGM, Legal.

Mr. M.M. Kashyap and Ms. Poonam Seth, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present petition assails an order dated 25th January, 2024, passed by the office of Electricity Ombudsman, whereby the appeal filed by the respondent no.3 was disposed of with a direction that a new connection shall be installed in the premises in question in the name of the respondent no.3, and that the subsisting connection in the name of the petitioner shall be disconnected.

2. The brief facts relevant for deciding the present petition are set out



below:

- 2.1. Since 2003, the petitioner has been enjoying the electricity connection services provided by the respondent no.2/TPDDL at her residential premises bearing *No. 847, Khasra No. 141/22, Ground Floor, Block B, Gali No. 21/4, Shiv Kunj, Sant Nagar, Burari, Delhi 110084*.
- 2.2. In August 2019, during the reconstruction of the aforesaid premises, the petitioner surrendered the old electricity connection and obtained a temporary electricity connection from the respondent no.2, which was disconnected on 4th February 2023.
- 2.3. On 1st April 2023, the petitioner obtained a fresh electricity connection in her name after completing the requisite formalities with the respondent no.2/TPDDL.
- 2.4. The respondent no.3, who is stated to be in a property dispute with the petitioner's husband (with pending civil and criminal proceedings), filed a complaint before the Consumer Grievance Redressal Forum (CGRF) seeking disconnection of the petitioner's electricity connection.

3. The CGRF, by order dated 16th October 2023, dismissed the complaint filed by the respondent no.3.
4. The respondent no.3 preferred an appeal against the aforesaid order before the Electricity Ombudsman, who, by impugned order dated 25th January 2024, allowed the appeal and directed installation of a new connection in the respondent no.3's name and disconnection/removal of the petitioner's electricity connection. The Electricity Ombudsman has made observations in this regard in paragraph 16 of the impugned order, which is set out below:



16. This Court has heard the contentions of all the parties, have gone through the appeal, written submissions by all the three parties and is of considered opinion that sale transaction of property of plot of 61 sq. yards out of Khasra No. 141/22 by Smt. Devendrani Devi in the name of her husband Shri Naresh Kumar on 09.06.2004, for Rs.1,25,000/- and further sale transaction by Shri Naresh Kumar in favour of Shri Abdul Salam on 16.07.2019 for Rs.16 lakhs is a matter on record. There was no title of Devendri Devi, when connection was installed in her name on 01.04.2023. The requirement of Regulation 10(3) of DERC (Supply Code and Performance Standards) Regulations, 2017, was not satisfied. The Discom itself recognized the transaction on 16.07.2019, about sale of property to Shri Abdul Salam along with the chain of documents, which formed basis of transfer of the security deposit amount of Rs.7,777.76, in the name of Abdul Salam, after the disconnection and removal of temporary meter on 04.02.2023. The obtaining of the new connection in April, 2023 on the basis of the 'NOC' from husband and indemnity bond was in violation of the Provision of Regulation 10(3) and in suppression of the above mentioned documents on record.

5. In view of the observations made in the paragraph 16, the following directions have been passed in paragraph 17, which is set out below:

17. In view of above, this court, therefore, directs as under:

- (a) A new connection be installed in the name of Shri Abdul Salam after completion of all commercial formalities.
- (b) The connection released in April, 2023 in the name of Smt. Devendri Devi based on inadmissible documents be disconnected with removal of the meter only after release of the connection and subsequent installation in the name of Shri Abdul Salam.
- (c) The ownership of the electricity connection could be reviewed, after a decision by the Civil Courts in the two pending cases Nos. 1305/2022 and 556/2023.
- (d) A vigilance enquiry be ordered by the CEO to find out the circumstances under which the connection was released in the name of Smt. Devendri Devi in 2019 as well as in 2023, in violation of the Regulation 10(3) of the DERC (Supply Code and Performance Standards) Regulations, 2017.
- (e) Action taken report be submitted to this office within thirty (30) days of receipt of this order.

The appeal stands disposed off accordingly.

6. Counsel for the petitioner submits that apart from suffering from various inconsistencies, the aforesaid order has been passed in excess of jurisdiction, inasmuch as the said order virtually decides the subsisting title dispute between the petitioner and respondent no.3 in respect of the property



in question.

7. While issuing notice in the petition on 16th April, 2024, this Court had granted a stay of the impugned order passed by the Ombudsman.

8. I have heard the counsel for the parties.

9. It is an admitted position that the respondent no.3 has filed a civil suit against the petitioner herein for recovery of possession of the aforesaid premises. The petitioner has also filed a civil suit for permanent injunction against the respondent no.3. Both the said suits are stated to be pending.

10. In this regard, the CGRF has correctly observed that the forums under the DER (Supply Code and Performance Standards) Regulations, 2017, cannot decide the question of title/ownership of property and said issue can only be decided in a civil suit. The relevant observations of the CGRF are set out below:

It is admitted fact that complainant and Sh. Naresh Kumar, Smt. Devendri Devi have filed cases / suits against each other in court of law regarding Title / Ownership of property. This Forum cannot decide question of Title / Ownership of property. It is also admitted fact that property is in possession of Sh. Naresh Kumar and Smt. Devendri Devi.

The forum is of considered view that unless Title of property is decided by competent court it can not be said that ownership of property has transferred to complainant. It is not out of place to mention here that ownership of immovable property transfers only through registered Sale Deed. Moreover mere electricity connection does not confer any right & title over the premises. Therefore, the argument of complainant has not force in the eye of law. Admittedly the property is in possession of Smt. Devendri Devi and she cannot be deprived of electricity as electricity is essential necessity of life.

**In view of facts stated above forum find no merit in prayer of complainant.
The complaint is dismissed.**



11. In my considered view, it was beyond the jurisdiction of the Ombudsman to go into the issue of the title of the subject property, which is the subject matter of the civil suits filed by the respondent no.3 and the petitioner. Further, the grant of an electricity connection does not confer title and ownership in the property.

12. The impugned order has placed reliance on Regulation 10(3) of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations to allow the appeal. For the sake of convenience, Regulation 10(3) of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations is set out below:

"Proof of ownership or occupancy of the premises:-

Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

- (i) Certified copy of title deed;
- (ii) Certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) Allotment letter/possession letter;
- (v) Valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;
- (vi) Rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- (vii) Mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;
- (viii) sub-division agreement;

- (ix) For bona fide 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."

13. Insofar as the requirement of Regulation 10(3) of the DER (Supply Code and Performance Standards) Regulations, 2017 is concerned, Mr.



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Manish Srivastava, counsel for the respondent no.2, submits that the electricity connection was granted on the basis of a Power of Attorney submitted by the petitioner along with an indemnity bond.

14. Counsel appearing for the respondent no.3 submits that the aforesaid Power of Attorney expired in 2004.

15. This issue has been specifically raised in the civil suit and would be the subject matter of the decision of the Civil Court. Therefore, it was not for the Electricity Ombudsman to get into this issue.

16. Admittedly, the petitioner was in possession of the property when the electricity connection was granted in her favour.

17. In view thereof, the present writ petition is allowed and the impugned order passed by the Electricity Ombudsman is set aside.

18. Liberty is given to the respondent no.3 to approach the respondent no.2/TPDDL after the decision in the civil suits.

AMIT BANSAL, J

JANUARY 15, 2026

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