



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector – 4, Panchkula-134109
Telephone No. 0172-2572299; Website: - herc.nic.in
E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 06/2022
Received on : 22.01.2022
Registered on : 15.02.2022
Date of order : 29.03.2022

In the matter of: -

Appeal against the order dated 03.12.2021 passed by CGRF, DHBVN, Gurugram in case No. DH/CGRF-3870/2021

Sh. Dilbag Singh, S/o Sh. Ramu (Ram Singh) Village Khatodra, PO. Kurhawata, Tehsil & Distt. Mahendergarh, 123029. **Appellant/Complainant**

Versus

DHBVNL

Respondents

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Sh. Dilbag Singh

Present on behalf of Respondents:

Sh. Deepak Yadav, SDO (OP), S/U, Sub Division S/D Mahendergarh.

ORDER

1. Sh. Dilbag Singh, S/o Sh. Ramu (Ram Singh) Village Khatodra, PO. Kurhawata, Tehsil & Distt. Mahendergarh, 123029 has filed an Appeal against the order dated 06.10.2021 passed by CGRF, DHBVN, Gurugram in case No. DH/CGRF-3541/2021. The Appellant submitted as under: -

“With reference to the above subject that I had lodged a complaint to Chairman CGRF regarding not to transfer the electric connection no. BN-53-3016 in the name of Mr. Suresh Kumar Khatoni No. 206, Khewat No. 171, Kila No. 11/12/1 by email on dated: 16 November 2021. But CGRF did not provide me any complaint no. and any information about hearing. After that CGRF team visited for hearing at Narnaul on Dated: 1st Dec. 2021 and passed an illegal order regarding my matter as I was not informed by CGRF so how could I attend the hearing. On the other hand, my opponent Mr. Suresh Kumar was informed by CGRF to attend the hearing. After this S.D.O DHBVN Mahendergarh allow to transfer the electric connection on our collective land. I obtained an order copy from CGRF on dated 10th January 2022 through my Gmail on my request. So, I am not satisfied by order of CGRF and request to appeal against CGRF order. I want to remind that I wrote you an application on dated 29th December 2021 to provide justice and set aside the order of CGRF, kindly consider this application as an appeal against CGRF order.”

2. The appeal was registered on 15.02.2022 as an appeal No. 06/2022 and accordingly, notice of motion to the Appellant and the Respondents was issued on 18.02.2022 for hearing the matter on 15.03.2022.
3. The SDO (OP), S/U, Sub Division S/D Mahendergarh vide his email on 23.02.2022 has submitted reply which is as under: -

“In this connection it is intimated that the complainant made by Sh. Dilbag Singh S/o Sh. Ramu (Ram Singh) Vill. - Khatodra P.O.- Kurahwata, Distt. & Teh. - Mahendergarh regarding Ale No. BN53/3016 should not be shifted because he is a participant in it. But according to the registry submitted by the applicant Sh. Suresh Kumar S/o Sh. Rameshwar Dayal Vill. - Khatodra of shifting, Tehshildar has clearly indicated the kabja. After getting the complaint of the complainant, this was again verified from the Tehshildar who verified that this kabja has been done and copy of the verification attached. The estimate has been sanctioned by worthy SE 'Op' Circle DHBVN Narnaul considering all the facts of the complainant. After that CGRF has decided to shift the connection by rejecting the application of complainant. So, the connection has been shifted. This is for your kind information and further necessary action please.”

4. The Appellant vide his email on 14.03.2022 has submitted rejoinder to the reply of SDO (OP), S/U, Sub Division S/D Mahendergarh which is as under: -

With reference to the above subject that S.D.O. DHBVN Mahendergarh mentioned in his letter that the registry submitted by applicant indicate the Kabza. But I want to inform you that the registry has not been done under norms of law point on Dated: 06-09-2021. Subhash has sold this piece of land violating the norms because he is not only the sole owner of our joint agriculture land. Jamabandi (2016-17) indicates that this is a collective land of my elder brother Hanuman Singh, Kamal Singh, Vikram Singh, Sandeep and also mine. Then tell me how can be Kabza given by Subhash is legal? I was neither informed nor they got No Objection Certificate from me regarding this registry which is mandatory in co-ownership. S.D.O. DHBVN Mahendergarh has not sought the complete information about the registry of 2 Marla land purchased by Suresh Kumar and sold by Subhash. Tehsildar office is still concealing the real facts of case because I have always mentioned about the wrong process of registry by both the parties including Suresh Kumar s/o Sh. Rameshwar Dayal and Subhash s/o Sh. Harlal. I further inform you that I and my elder brother Hanuman Singh, Kamal Singh, Vikram Singh, Sandeep are joint coholder of the land because no division or bifurcation has taken place till now.

So, I humbly request you to report rightly based on revenue record and evidences regarding my objections raised time to time.

The relevant record and summary of case, appeal no 06/2022 with Serial Number and Date wise in PDF were produced by Dilbag Singh on 14/03/2022.

5. The hearing was held on 15.03.2022, as scheduled. The appellant submitted that he has submitted rejoinder. The respondent SDO stated that he received the copy of rejoinder but could not go through it and requested to allow some time to respond. Acceding to his request, the matter was adjourned to 29.3.2022.
6. The SDO (OP), S/U, Sub Division S/D Mahendergarh vide his email on 24.03.2022 has submitted reply to the rejoinder of appellant which is as under: -

The applicant has submitted rejoinder on dated 15.3.2022 at 2.30 PM submit that representation mention below: -

1. *But I want to inform you that the registry has not been done under norms of Law point on dated 06.09.2021.*

2. Subhash sold this place of land violating the norms because he is not only the sole owner of our joint agriculture land
3. Then tell me now can be Kabza given by Subhash is legal.
4. I was neither informed now they got no objection certificate from me regarding this registry which is mandatory in co-ownership.
5. Tehsildar office is still concealing the real facts of case because I have always mentioned about the wrong process of registry by both the parties including Sh. Suresh Kumar S/o Sh. Rameshwar Dayal and Subhash S/o Sh. HarLal

By considering above facts, it is very much clear that the complainant has objection on the working of revenue department. The action taken by DHBVN is strictly as per revenue department report

Hence, the complainant should pursue the case with revenue department, DHBVN has no fault.

7. The hearing was held on 29.03.2022, as scheduled. Both the parties were present during hearing through video conferencing. The appellant briefed the contents of the appeal and argued that Sh. Subhash has sold the piece of land to Sh. Suresh kumar without consent of co-sharers. Therefore, the shifting of tube well connection of Sh. Suresh Kumar in that piece of land by the respondent is wrong.
8. Per contra the respondent SDO argued that the tube well connection of Sh. Suresh Kumar was shifted only after the registration authority i.e. office of Tehsildar had verified that Sh. Suresh Kumar is the sole owner of the said piece of land and if the appellant has any objection on the report of the revenue department he must pursue the matter with the revenue department.
9. After going through the record placed on the file and hearing both the parties, it is observed that aforesaid tube well connection of Sh. Suresh Kumar has been shifted after the land was verified by the registration authority and hence the action of the SDO is in order. However, in case there is some grievance with reference to owner ship of above land the appellant may approach to the land registration authority.
10. The instant appeal is disposed of, in above terms.
Both the parties to bear their own costs. File may be consigned to record.
Given under my hand on 29th March, 2022.

Dated: 29th March, 2022

(Virendra Singh)
Electricity Ombudsman, Haryana

CC-

Memo. No. HERC/EO/Appeal No.06/2022/

Dated: -

1. Sh. Dilbag Singh, S/o Sh. Ramu (Ram Singh) Village Khatodra, PO. Kurhawata, Tehsil & Distt. Mahendergarh, 123029.
2. The Managing Director, DHBVN, Vidyut Sadan, Vidyut Nagar, Hisar. 125005.
3. The Chief Engineer "Op", DHBVNL, Punjabi Bagh, Shakur Basti, New Delhi, 110035.
4. The Superintending Engineer 'Op' Circle, Mahendergarh, 123029
5. The Executive Engineer (Operations), Mahendergarh, 123029
6. The SDO (OP), S/U, Sub Division S/Divn. Mahendergarh, 123029