



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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(Regd. Post)

Appeal No. : 47 of 2025
Registered on : 05.12.2025
Date of Order : 03.03.2026

In the matter of:

Appeal against the order dated 19.11.2025 passed by CGRF, DHBVN Gurugram in case No 4958 of 2025

Naman Jain son of Vipin Jain, resident of Ward No. 6, near Arya Samaj Mandir, Nuh and also residing at Khasra No. 37//7/2, Block-B, Gate No. 7, Tata Primanti residential Society, Sector-72, village Fazilpur Jhadsa, SPR road, Gurugram **Appellant**

Versus

1. The XEN/OP Divn., Badshahpur, DHBVN, Gurugram, Haryana
2. SDO/OP, Sub Division, DHBVN, Sohna road, Gurugram

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Vipin Jain, Advocate

Present on behalf of Respondents:

Shri Rajesh Kaushik, SDO

Shri Shiv Partap Singh Thakur, Advocate

ORDER

- A.** Shri Naman Jain has filed an appeal against the order dated 19.11.2025 passed by CGRF, DHBVN, Gurugram in case no. 4958 of 2025. The appellant has submitted as under: -

CLAIM IN APPEAL: -

For setting aside the above mentioned order dated 29.07.2025 passed by SDO, DHBVN, Sohna Road, Gurugram, order dated 25.09.2025 passed by CGRF, Circle-II, DHBVN, Gurugram and order dated 19.11.2025 passed by Corporate Forum for Redressal of Consumer Grievance Gurugram by way of accepting this appeal with cost throughout and application of applicant for issuing new electric connection may kindly be allowed and respondents be directed to issue new electric connection to appellant in application no. G27-725-24 dated 02.07.2025.

GROUND OF APPEAL: -

1. That the impugned order dated 29.07.2025 passed by the SDO, DHBVN, Sohna Road, Gurugram for cancellation of application of new electric connection dated 29.07.2025, order dated 25.09.2025 passed by CGRF, Circle-II, Gurugram and order dated 19.11.2025 passed by Corporate Forum for Redressal of Consumer Grievance Gurugram is totally against the law, documents, facts and legal approach and against the evidence of file and the said order is based upon mere, conjectures, surmises and presumptions and is not sustainable under the law and are liable to be set aside.

2. That the respondents and first appellant i.e. CGRF, Circle-II, Gurugram and second appellate forum has committed gross error in passing the above stated order as the said order is totally against the law and passed by creating a self-made story and according to his legal opinion, which is totally against the law and facts and as such the said order is liable to be set aside.
3. That the appellant Naman Jain applied for a new electric connection through online system on 02.07.2025 vide application no. G27-725-24 dated 02.07.2025 from the SDO, Sohna Road, Sub-division, Gurugram under temporary category and also deposited the prescribed fees of Rs.13,100/- along with the said application through online system but some employees/officials who were conspired with private builder intentionally cancelled the said application by saying that “ As per the JE report, wrong CAT applied by the applicant, site is already completed, please apply for permanent connection”. However, it is clarified that the appellant wants to obtain a temporary category connection on the basis of rent agreement upon 200 Sq. yards but respondents collusively cancelled the application of the appellant, as the said plot of appellant is situated inside the Tata Primanti Residential Society, Sector-72, Gurugram and Tata private builders wants to grab the land of the appellants under the low price and due to said reasons he wants to give undue pressure upon the owner of the said residential plot and is using the department of DHBVN as a tool for putting the undue pressure upon the appellant as well as owner of the said plot for putting the undue pressure upon them for not issuing the electric connection which is basic necessity for every human being and also used the RWA as well as residents of the said society as they are also conspired with some officials of the DHBVN for the reasons that if the new electric connection to the plot owner, in that case the owner of the said plot will sell the said plot to the private builder on compulsion and as per the will of private builder.
4. That the said plot is 816 Sq. Yards and out of the said area, appellant is tenant of 200 Sq. Yards under the written agreement which was also attached with the application of appellants and the owner of the said property was not having any objection to issue a new connection in favour of appellant over the said property as such appellant wants to get temporary new electricity connection over the said plot.
5. That previously, owner of the said plot, Smt. Upasna Jain, had also applied new electric connection under temporary category vide application no. G27-725-134 dated 13.01.2025 and also applied on the same day another application under permanent category vide application no. G27-725-136 but some officials/employees of the DHBVN who was conspired with the private Tata builder cancelled the abovesaid both applications. Lastly, owner of the said plot filed a civil suit against the department of DHBVN which are pending before the Hon'ble Punjab and Haryana High Court, Chandigarh but it is

clarified that the said proceedings are separate proceedings and appellant has no concern with the same.

6. That no court case or any type of litigation or objection are pending regarding the application of appellant. However, department wrongly cancelled the application of appellant as such appellant has fully cause of action and this forum is having fully jurisdiction to order the concerned officials of DHBVN Department to issue the new connection to the appellant which is basic amenity.
7. That the second appellate forum dismissed the appeal of the appellant saying that civil suit are pending in Civil Court, Gurugram for the same premises on which the complainant is seeking the electricity connection from DHBVN and the Forum shall not entertain a compliant for which any proceeding are pending before any Court, Authority or any other Forum established by law. However, it is submitted that no any Civil Suit has been pending or has been decided by any Court of Law or any Authority regarding the application of applicant but the Ld. Trial Appellate forum not considering the said facts and hotch-potch the matters as the complainant not filed any civil suit before any civil court of not filed any appeal or application before any other Court/Authority. So, the said observation made by the Ld. Trial appellate Forum is totally against the law, facts and legal approach. As such liable to be set aside/dismissed.

It is therefore prayed that impugned order dated 29.07.2025 passed by the SDO, DHBVN, Sohna Road, Gurugram, order dated 25.09.2025 passed by CGRF, Circle-II, Gurugram and order dated 19.11.2025 passed by Corporate Forum for Redressal of Consumer Grievance Gurugram may kindly be set aside and the appeal of the appellant may kindly be allowed and respondents/concerned officials of DHBVN be directed to issue new electric connection to the appellant as per application dated 02.07.2025 and also fix a responsibility to negligent officials for not issuing the electric connection within time to applicant for not performing their duties properly and harassing the appellant without any cause and the appellant be awarded with compensation as such the forum deems fit and proper in the interest of justice.

- B.** The appeal was registered on 05.12.2025 as an appeal No. 47 of 2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 22.12.2025.
- C.** Hearing was held on 22.12.2025, as scheduled. Both the parties were present through Video conferencing. During the hearing the counsel for the respondent intimated that they have received a letter of engagement from LR, HPU, Panchkula on 19.12.2025 itself and has sought a time period of 3-4 weeks to respond/submit the reply in the matter as the main counsel is out of country. The respondent SDO

Sh. Rajesh Kaushik supported the facts that the engagement letter was issued by LR/HPU on 18.12.2025 but received on 19.12.2025 itself.

The appellant counsel demanded shorter date for the next hearing citing that he is the affected party and is surviving without electricity in dark.

Considering both the parties plea the following is hereby ordered: -

1. The respondents will submit the reply within 15 days with copy to the appellant.
2. The appellant will have an opportunity of one week thereafter to submit his rejoinder if any.

Accordingly, the case is adjourned and now will be heard on 12.01.2026.

D. On 05.01.2026 counsel of respondent has submitted reply which is as under:-

1. That, the present Reply is being filed by The SDO Operation, DHBVN, Sohana Road (the "Respondent No. 1") and Executive Engineer Operation, Badshahpur, DHBVN, Gurugram (the "Respondent No. 2") having office at New Palam Vihar Sub-Division, Gurugram, (collectively the "Respondents") to the Appeal filed before the Electricity Ombudsman Haryana bearing Appeal No. 47/2025 (the "Appeal").
2. That, it is most respectfully submitted that no averments, statements, submissions, grounds, contentions, or allegations made by the Appellant in the Appeal shall be admitted or deemed to be admitted for reason of non-traverse or otherwise save and except these are expressly admitted herein.
3. That, it is respectfully submitted that the present Appeal cannot be allowed in favour of the Appellant hereto (reasons for which are explained in detail hereunder) as the Appeal in itself, is devoid of any substance and merit and is made with the mala-fide intention to mislead, misguide and misrepresent this Hon'ble Ombudsman.

THE PRESENT APPEAL BEING BARRED UNDER THE REGULATIONS OF THE HERC IS NOT MAINTANABLE

4. That, the Appellant is abusing the process of law by filing frivolous and vexatious litigations by unnecessarily making the Respondents party to it. The Appellant is son of Smt. Upasna Jain, who is alleged purchaser of the Property bearing Khewat/Khatoni No. 295/297, Rect. No. 37, Killa No. 7/2(1-7), measuring 1 Kanal 7 Marla, situated within the Revenue Estate of village Fajilpur, Jharsa, Tehsil Badshahpur, District Gurugram (the "Property"), where the Appellant is seeking release of electricity from the Respondents. It is pertinent to mention here that ownership of Upasna Jain is disputed and the matter is pending before the Civil Court where the previous of owner of the property has alleged that fraud has been played upon him. Further, earlier the Upasna Jain has also filed two applications for release of electricity but the

same could not be released as the Respondents have received objections from the other parties including the TATA Primanti Development Company within whose township the property of the Appellant is located.

5. It is pertinent to mention here that Smt. Upasna Jain has already made the Respondents party to various litigations which are filed and are pending before the Civil Court and the Hon'ble High Court. The mother of Appellant i.e. Smt. Upasna Jain has already sought similar relief before the Civil Court which has been denied by the Ld. ADJ, Gurugram in case bearing CMA 138 of 2025 *vide* Order dated June 10, 2025. Thereafter, Smt. Upasna Jain has challenged the said Order before the Hon'ble High Court which is next listed on January 28, 2026. Therefore, the present Appeal is not maintainable as per the regulations of the HERC bearing no. HERC/ 48/2020/1st Amendment/ 2022, this Hon'ble Forum cannot entertain a matter which is pending before the civil courts. The relevant extract of the regulations is reproduced hereunder:

"The Forum shall not entertain a complaint for which any proceedings are pending before any Court, Authority, or any other Forum established by law, or where a decree. award, or final order has already been passed by any competent Court, Authority, or Forum."

6. The relief sought by the Appellant cannot be granted on the basis of the following objections:

Brief Facts:

7. That, the Appellant being the son of Upasna Jain was well aware that the property is disputed and various litigations are going on between the Respondent and the alleged purchaser Upasna Jain. The Appellant in connivance with his mother entered into rent agreement dated July 01, 2025 after the Appeal filed by his mother Upasna Jain got dismissed *vide* Order dated June 10, 2025.
8. Thereafter, the Appellant i.e. Naman Jain applied for a new electric connection through online system on July 02, 2025 *vide* application no. G27-725-24 from the SDO, Sohna Road, Sub-division, Gurugram under temporary category.
9. That, the Respondents cannot issue electricity to the Appellant in the said Property as the ownership of his mother Upasna Jain is already disputed qua which various litigations are pending before the Civil Courts including the issue of release of electricity wherein the Respondents have also been impleaded as a Party.
10. That, alleged owner of the Property i.e. Upasna Jain had also applied for electricity connection before the Respondents *vide* two separate Applications bearing No. G-27-524-212 dated May 12, 2024 and G-27-824-346 dated August 29, 2024. However, the same could not be provided as she did not have

lawful ownership of the Property and also the said Property was inside the gated township of TATA Primanti Development Company who are seriously objecting to the grant of electricity connection and not providing any right of way to the Respondents.

11. That, the Appellant raised his grievance before the CGRF, where the Hon'ble Forum heard all the issues of the present matter at length and arrived at a conclusion that the ownership of the mother of the Appellant with whom the Rent agreement has been made is disputed and the issue qua the release of electricity has already been raised by the mother of the Appellant before the Civil Courts, wherein the Respondents are also made a party. Thus the CGRF rejected the complaint of the Appellant vide Order dated November 19, 2025.

OBJECTIONS TO THE PRESENT APPEAL

THE OWNERSHIP OF THE PROPERTY IS SERIOUSLY DISPUTED AND THE MATTER IS PENDING BEFORE THE CIVIL COURTS

12. That, the present matter is regarding supply of electricity to the property situated inside the gated township of TATA Primanti Development Company. It is an admitted fact that the property in which the Appellant is demanding electricity is allegedly owned by Upasna Jain. Photographs of the property are annexed hereto and marked as Annexure R-1.
13. That, the alleged owner Smt. Upasna Jain has stated before the civil court that she purchased the Property through two sale deeds. One sale deed in respect of ½ share of the property was executed in the year 2014 and second sale deed in respect of remaining half share of suit property was executed and registered in year 2023 vide sale deed no.12108 January 11, 2023.
14. That, the ownership of Upasna Jain is seriously disputed and the matter is pending before civil court and the Hon'ble High Court as well. The sale deed through which the Property was bought by the Appellants mother i.e. Upasna Jain was executed through a power of attorney, which was allegedly executed by the owners of the property in favour of Vipin Jain, who is the husband of the Upasna Jain. It is also pertinent to mention here that a supplementary sale deed bearing no.6489 dated August 25, 2023 was got executed and registered by said Vipin Jain in favour of Upasna Jain in respect of the Property. However, the said power of attorney was cancelled on May 31, 2023 which is categorically recorded in the Order dated June 10, 2025 passed by ADJ, Gurugram in case bearing CMA 138 of 2025. The relevant extract of the Order is reproduced as under:

"12. The plaintiff has also relied upon the copy of order dated 24.03.2025 passed by the Court of Sh. Sunil Chauhan, L.d. ADJ, Gurugram, but the said order only gives right to access in the suit property to the plaintiff and it does not authorize the plaintiff to get the electricity connection in her favour, especially, in the

situation when title of the suit property is already under challenge and pending for adjudication.

13. Moreover, issuance of electricity connection in favour of the plaintiff in respect of suit property would require erection of electric polls in the land of 3rd party i.e. TATA Parimanti, which is already opposing for releasing the electricity connection in favour of the plaintiff. The erection of electric polls and laying down wire by the defendant no.1 and 2, for giving electricity connection to plaintiff, in the land of defendant (TATA Parimanti) will further create legal complications and multiplicity of proceedings.

14. Hence, keeping in view of the abovesaid discussion, no fault can be found in the order passed by Ld. Trial Court and thus the appeal in hand stands dismissed with costs. Trial Court record together with a copy of this judgment be sent there. Appeal file be consigned to records after due compliance.

A copy of Order dated June 10, 2025, passed by ADJ, Gurugram is annexed hereto and marked as Annexure R-2.

15. Thereafter, another GPA was executed by Shyam Lal Sharma (owner) on June 01, 2023. Thus, it is clear that supplementary sale deed in respect of suit property bearing no.6489 dated August 25, 2023 was executed despite the fact that power of attorney was revoked by Shyam Lal Sharma (owner) about three months prior to the execution of supplementary sale deed.

16. That, Shyam Lal Sharma (owner) has already filed a civil suit bearing CS 1084 of 2024 wherein Shyam Lal Sharma (owner) has alleged that fraud has been committed upon him by Upasna Jain and her husband Vipin Jain. The matter has next listed on April 29, 2026. A copy of Order dated December 17, 2025 is annexed hereto and marked as Annexure R-3.

THE RESPONDENTS HAVE ALERADY BEEN IMPLEADED AS A PARTY BEFORE THE HON'BLE HIGH COURT FOR RELEASING THE ELECTRICITY QUA THE DISPUTED PROPERTY

17. That, the Appellant in the present case has sought the electricity connection merely on the basis of Rent Agreement which has been entered into after the present dispute arose in the Civil Court. It is pertinent to note that alleged owner of the Property i.e. Upasna Jain had also applied for electricity connection before the Respondents *vide* two separate Applications bearing No. G-27-524-212 dated May 12, 2024 and G-27-824-346 dated August 29, 2024. However, the same could not be provided as she did not have lawful ownership of the Property and also the said Property was inside the gated township of TATA Primanti Development Company who are seriously objecting to the grant of electricity connection and not providing any right of way to the Respondents. Consequently, the connection could not be provided as the Respondents has already provided single point connection to the TATA Primanti Development Company. It is the developer company who is providing individual electricity connections to its individual residents.

18. Further, the alleged purchaser Upasna Jain has already filed appeal before the Hon'ble High Court bearing Civil Revision No. 4459 of 2025, challenging the Order dated June 10, 2025 passed by ADJ, Gurugram in case bearing CMA 138 of 2025. The Respondents have been impleaded as a party to the Appeal preferred by the mother of the Appellant and is seeking similar relief. The Hon'ble High Court vide Order dated July 18, 2025 has issued Notice to the Respondents and the matter is next listed on January 28, 2026. The relevant extract of the Order is reproduced hereunder:

“Assailing the order dated 10.06.2025 (Annexure P-1) passed by learned Additional District Judge, Gurugram and order dated 09.05.2025 (Annexure P-2) passed by learned Additional Civil Judge (Sr. Div.), Gurugram, dismissing the application under Order 39 Rules 1 & 2 read with Section 151 CPC seeking temporary injunction, it is contended by learned counsel for the petitioner that land of the plaintiff, i.e. the petitioner herein, is independent to the land owned by the developer i.e. TATA Parimanti Development Company and simply because the said developer has developed the land around the land of the plaintiff, cannot be a reason to decline the request of the plaintiff to issue an individual electricity connection. Learned counsel further submits that there is no privity of contract between the petitioner and the developer and as such, he cannot ask the developer to issue electricity connection to him from the single point connection released to the said developer by the Electricity Department.”

A copy of Order dated July 18, 2025 is annexed hereto and marked as Annexure R-4.

THE APPELLANT HAS ENTERED INTO RENT AGREEMENT IN CONNIVANCE WITH UPASNA JAIN DESPITE KNOWING THE FACT THAT THE PROPERTY IS DISPUTED AND THERE IS NO ELECTRICITY CONNECTION

19. That, the Appellant being the son of Upasna Jain was well aware that the property is disputed and various litigations are going on between the Respondent and the alleged purchaser Upasna Jain. The Appellant in connivance with his mother entered into rent agreement dated July 01, 2025 after the Appeal filed by his mother Upasna Jain got dismissed vide Order dated June 10, 2025.
20. That, the Appellant very well knew that the electricity connection cannot be issued in the name of her mother as she has already lost in Appeal before the civil court and also the title of the property is also disputed. The Appellant with malafide intention entered into rent agreement dated July 01, 2025 and then applied for the electricity connection vide Application bearing no. G-27-725-24 dated July 02, 2025 seeking temporary connection from the Respondent. A copy of the translation of Rent agreement dated July 01, 2025 is annexed hereto and marked as Annexure R-5.
21. That, the Hon'ble CGRF had also categorically held that the present matter is already pending before civil court and the ownership of Upasna Jain is subjected to the outcome of the case. Further, as per the regulations of the HERC bearing no. HERC/ 48/2020/1st Amendment/ 2022, this Hon'ble

Forum cannot entertain a matter which is pending before the civil courts. The relevant extract of the Impugned Order is reproduced hereunder for ready reference:

“After considering the reply of SDO and submissions, made by them in the hearing the 'Forum observed that a Civil Suit is pending in Civil Court Gurugram vide CS-388/2025 titled as Upasna Jain Vs DHBVN & Civil Suit CS-1450/2025 titled as Ramesh Sharma and others Vs Upasna Jain and DHBVN is also pending in Civil Court Gurugram for the same premises on which the complainant is seeking electricity connection from DHBVN. Further Upasna Jain filed an appeal in the Hon'ble Punjab & Haryana High Court vide Appeal no. CR4459/2025 and as per Order of Hon'ble Supreme Court dt. 24.12.2024 in Civil Appeal no. 14604 of 2024 titled as "Rajendra Kumar Barjaya and another vs U.P. Avas Evam Vikas Parishad and Ors." It is mentioned in Para no. 21 Sub-Para (iv) on the page 18 of the said judgement that All the necessary service connections, such as electricity, water supply, sewerage connection, etc, shall be given by the service provider/Board to the building only after the production of the completion/occupation certificate, As per HERC Regulation No HERC/48/2020/1st Amendment/2022, Sub-Clause No. 2 15, which states:

"The Forum shall not entertain a complaint for which any proceedings are pending before any Court, Authority, or any other Forum established by law, or where a decree. award, or final order has already been passed by any competent Court, Authority, or Forum."

As such, the Forum has decided to dispose off the Petition. Hence, the complaint is rejected."

A copy of the Impugned Order dated November 19, 2025 is annexed hereto and marked as Annexure R-6.

22. It is therefore, humbly submitted before this Hon'ble Commission that the present matter cannot be decided in the favour of the Appellant as there is no documentary proof which substantiates the Claim of the Appellant. Further, the present matter is pending before the Civil Court and the Hon'ble High Court and the adjudication of the present matter may lead to contrary findings which will multiplicity of litigations cause undue benefit to the Appellant an may put unnecessary burden on the Respondents. The present matter being sub-judice and therefore liable to be dismissed with costs.

E. Hearing was held on 12.01.2026, as scheduled. Both the parties were present physically. During the hearing the Respondent raised objections regarding the execution of the rent deed by the Appellant, Shri Naman Jain, purportedly prepared after the rejection of the appeal in the lower court on June 10, 2025 (Annexure R-2), while the deed itself is dated July 1, 2025, which appears anomalous. It was further contended by the Respondent's counsel that relief for the release of electricity connection was initially sought in the name of Smt. Upasana Jain before the lower court, which was rejected, following which Smt. Upasana Jain approached the Hon'ble High Court on December 17, 2025, seeking similar relief, and the matter remains pending. Additionally, the residents of the gated society, within which the plot in question is located, have objected to the release of the electricity connection. Reference was made to Paragraph 2 on Page 2 of the relevant documents, stipulating

that the release of electricity connection is barred, and the Respondent is not eligible to intervene in the sub-judice matter before the Hon'ble Court. Furthermore, attention was drawn to the 5th line from the bottom on Page 21, where serious observations have been recorded, noting that the matter was rejected twice by the trial court, no relief has been granted by the Hon'ble High Court to Smt. Smt. Upasana Jain, and the case is still under consideration.

The Appellant, Shri Naman Jain, contended that he holds the sale deed for the first half of the property as per revenue records since 2014, with the sale deed for the remaining half executed in 2022. He asserted that the plot in question is a distinct entity as per the consolidation records of 1961. The Appellant further highlighted that the District Town Planner (DTP) has provided clear access to his land, and as the aggrieved party, he is entitled to apply for the electricity connection in his own name, emphasizing that he is not a party to any ongoing court proceedings.

In rebuttal, the Respondent's counsel argued that the entire property associated with Smt. Upasana Jain is under litigation, and the electricity connection sought pertains to a portion of that disputed property. It was submitted that this application by Shri Naman Jain represents a calculated attempt to secure the connection following multiple rejections and amid serious observations by the lower court regarding the challenges to the property in the name of Smt. Upasana Jain.

Having heard the arguments from both sides and perused the records, it is deemed appropriate to issue the following interim directions to facilitate a comprehensive adjudication of the matter on the next date of hearing:

1. The Respondent is directed to submit the electrification plan of the township wherein the plot in question is situated, including details of existing infrastructure, zoning, and any restrictions applicable to electricity connections in the area.
2. The Appellant is directed to file a detailed rejoinder addressing the objections raised by the Respondent, including clarifications on the anomalies in the rent deed execution and its relevance to the property.
3. Additionally, the Appellant shall submit an exact sketch of the plot, clearly marked with plot numbers as per the revenue records and as registered with the Municipal Corporation, Gurugram, highlighting the precise location where the disputed property lies and delineating the boundaries of the portions claimed under the sale deeds of 2014 and 2022.

The Appellant is further directed to specify the purpose for which the electricity connection is being sought from the Respondent department, including details of intended usage, load requirements, and any supporting documentation.

Both parties are directed to comply with the above within specified timeframe, e.g. 15 days from the date of this order.

The case now will be heard on 29.01.2026.

F. On 23.01.2026 counsel of appellant has submitted rejoinder to the reply filed by respondent's counsel in appeal no. 47 of 2025 which is as under: -

1. That the reply filed the respondent is totally false, arbitrary legally unsustainable and liable to be rejected, hence, denied in TO-TO except where specifically admitted. The respondent has deliberately tried to mislead this Hon'ble authority by raising irrelevant and legally unsustainable objection.
2. That the respondent has wrongly and illegally attempted to leak the application/appeal with Smt. Upasana Jain, whereas the appellant has no concern with privacy and legal nexus with her as the applicant applied for new electricity connection is independent and personal and separate based on actual possession and occupation of premises and as per necessity of appellant as the appellant took the 200 sq. yards land out of total 800 sq. yards from Smt. Upasana Jain upon a rent deed and also install a some temporary construction over the same as per necessity, as the appellant is residing therein. Therefore, the objection of respondent is irrelevant and beyond the jurisdiction and liable to be rejected outright.
3. That the respondent has acted in excess of power by raising issues of ownership and title, which cannot be examined or adjudicated by the electricity distribution license under the electricity Act 2003. The name of Smt. Upasana Jain has been unnecessarily dragged into the matter, though the appellant has never claimed through her, hence the objection raised by the respondent on this ground is irrelevant and liable to be rejected outright.
4. That there is no provision under the electricity Act 2003 or the applicable supply code, which empowers the respondents to deny a new electricity connection merely on the ground that ownership/title of the property is disputed. That section 43 of electricity Act 2003 mandates that every distribution licensee shall supply electricity to an owner or occupier of premises within the stipulated time, and no exception is provided for refusal on the ground of ownership dispute.

That the Haryana electricity supply code clearly provides that proof of possession /occupation is sufficient for grant of new electricity connection and where ownership is disputed, the licensee may obtain an indemnity bond, but cannot deny supply.

The grant of electricity connection does not create or confer ownership right, title and therefore, civil dispute relating to title are wholly irrelevant for denying the electricity connection/supply.

5. That it is settled principle of law as consistently held by Hon'ble Apex Court and followed by the various Hon'ble High Courts and also followed by the electricity ombudsman authority that-
 - i. Electricity is an essential service
 - ii. Distribution licensee cannot decide title or ownership dispute
 - iii. A person in actual physical possession cannot be denied electricity supply merely due to inter se civil dispute.

iv. That Hon'ble court have categorically held that refusal of electricity supply only ground of ownership dispute is arbitrary, illegal and violative of article 21 of constitution of India as electricity is basic necessity for dignified life.

v. Some settled law by various courts as under: -

1. Om Parkash v. Balkar Singh (P&H) Law Finder Doc Id # 2092609

2023(1) RCR(Civil) 572: 2023(1) Law Herald 127: 2022 SCC Online P&H 3733

Om Parkash Petitioner Versus Balkar Singh and others Respondents

IMPORTANT

Electricity Connection - Whether the petitioner is an illegal occupant or not, or as to whether he is liable to be evicted or not-As long as the petitioner is in possession of the suit property, he cannot be deprived of electricity.

Electricity Connection A suit for possession of the suit property along with recovery of mesne profits pending adjudication, therefore, the question as to whether the petitioner is an illegal occupant of the suit property or not, or as to whether he is liable to be evicted or not, would be a matter of trial Fact of the matter is that the petitioner is in possession of the suit property and still further his eviction has not yet been ordered by a competent Court of law - As long as the petitioner is in possession of the suit property, he cannot be deprived of electricity.

2. Bhagwat Dayal Vashisht v. BSES Limited, (Delhi) Law Finder Doc Bhagwat Dayal Vashisht - Versus BSES Limited And Another - Electricity connection rights - Petitioner allowed to apply for pre-paid electricity connection with indemnity bond, without prejudice to ownership dispute or civil litigation over the property.

A. Electricity connection Ownership dispute Petitioner claiming possession of shop based on Agreement to Sell and Power of Attorney Civil litigation pending regarding ownership and transfer of property Court held petitioner can apply for pre-paid electricity connection by furnishing indemnity bond -Connection granted will not confer ownership rights or disturb possession of other parties

3. Dilip v. Satish (SC): Law Finder Doc Id # 2009206

SUPREME COURT OF INDIA

Before:-Indira Banerjee and CT. Ravikumar, JJ.

Criminal Appeal No. 810 of 2022 (Arising Out Of Special Leave

IMPORTANT

A. Hyderabad Rent Control Act, Section 17 Amenities Electricity is basic amenity of which person cannot be deprived Electricity cannot be declined to tenant on ground of failure or refusal of landlord to issue no objection

certificate All that electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.

B. Indian Penal Code, 1860, Section 415 Electricity connection sought by tenant Refusal of landlord to issue a no objection certificate Tenant fabricated no objection letter and forged signatures for supply of electricity Electricity is basic amenity of which person cannot be deprived - FIR cannot be quashed as it cannot be said that fabrication and/or creation of records and/or forging a signature does not constitute offence under the Indian Penal Code

4. M/s United Plastic Machinery Equipment v. Calcutta Electric Supply Corporation, (Calcutta) Law Finder Doc Id #2051469

IMPORTANT

An occupier, irrespective of the lawfulness of possession, is entitled to electricity supply under Section 43 of the Electricity Act, 2003. Landlord's objection or pending litigation regarding tenancy or title does not bar the grant of an electricity connection.

A. Electricity Act, 2003 Section 43 Right to electricity connection Held, an occupier of premises, even if possession is disputed, is entitled to electricity supply under Section 43 of the Electricity Act, 2003 Objections raised by the landlord or any other party regarding tenancy or title of the premises cannot act as a bar to granting electricity connection Court directed the petitioner to reapply in the correct name, and upon compliance of formalities, electricity connection to be provided promptly.

B. Landlord-Tenant Dispute Electricity connection Held, objections from the landlord regarding electricity connection to a tenant do not hold weight in determining entitlement to electricity supply Pending or prospective eviction suits or disputes regarding title do not affect the right to electricity connection as per law.

C. Role of Police Enforcement of electricity connection Held, in case of resistance or obstruction by private parties, police personnel are to provide adequate assistance to ensure electricity connection is granted Police may break any physical obstructions, such as padlocks, if necessary

5. Ghadhvi Jitendra Ishwardas v. B.K. Thakker (Gujarat) (DB) Law Finder Doc Id #

Gujrat High Court (DB)

C. Bombay Rents, Hotel & Lodging House Rates Control Act, 1947 - Section 23(3) Indian Electricity Act, 1910 Section 12(2) - Deemed consent of owner Availability - Merely because litigation was pending between the

parties consent cannot be withheld - In the instant case all the requirement to accord consent prima facie available Permission to have new electric connection granted.

6. Najrul Islam Mallik v. West Bengal State Electricity Distribution Company Limited, (Calcutta)Law Finder Doc Id # 2259114

CALCUTTA HIGH COURT

IMPORTANT

Electricity connection cannot be denied to a petitioner under Section 43 of the Electricity Act, 2003, despite a subsisting injunction order between private parties, provided the connection does not alter the nature and character of the disputed property.

Electricity Act, 2003 Section 43 Right to electricity connection Obstruction by private respondents due to pending litigation and injunction order - Held. petitioner's right to electricity connection cannot be precluded merely because of private disputes WBSEDCL directed to provide electricity connection subject to compliance of formalities Right, title and interest of the parties not affected by grant of electricity connection Remedy available to aggrieved private respondents to approach District Magistrate for resolution of disputes

7. Meghnath Mondal v. West Bengal State Electricity Distribution Company Limited, (Calcutta)Law Finder Doc Id # 2016673

CALCUTTA HIGH COURT

IMPORTANT

Electricity connection cannot be denied to an individual in settled possession of a property, even if the individual is deemed an unlawful occupier due to pending litigation, provided all formalities for obtaining the connection are complied with.

A. Electricity Act, 2003 Section 43 Electricity connection Right of individual in settled possession Held, a person in settled possession of a property cannot be denied an electricity connection in their own name, even if litigation is pending regarding the property's ownership or occupation status directed distribution licensee to provide the connection subject to compliance with formalities. Court

- 8 K.P.C. Kandasamy v. Assistant Executive Engineer, (Madras)(DB)Law Finder Doc Id #1382300

MADRAS HIGH COURT (DB)

IMPORTANT

Clause 27(4) of Tamil Nadu Electricity Distribution Code - Distinction between lawful possession and lawful occupation emphasized- Electricity connection cannot be denied to an occupier without due authority of law if conditions under Code are fulfilled.

- A. Tamil Nadu Electricity Distribution Code Clause 27(4) Electricity connection Intending consumer who is not owner of premises Owner refusing to provide "No Objection Certificate" (NOC) Held, electricity connection cannot be denied to an occupier without due authority of law if conditions under Clause 27(4) are fulfilled Occupier requires to produce proof of lawful occupation, execute indemnity bond indemnifying licensee against disputes. and accept to pay security deposit twice the normal rate - Distinction between lawful possession and lawful occupation emphasized.
- B. Tamil Nadu Electricity Distribution Code Clause 27(4) Electricity connection - Scope and ambit of clause discussed - Lawful occupation ensures provision of basic facilities such as electricity Denial of electricity connection to lawful occupier may lead to illegal obstructions and render property decrepit Even trespassers cannot be evicted without lawful proceedings.
- C. Civil Procedure Electricity connection Pending suit for specific performance Scope of litigation does not impact provision of electricity connection Held, TNEB must grant electricity connection to appellant upon fulfillment of conditions under Tamil Nadu Electricity Distribution Code.

9 Ajmer Vidyut Vitran Nigam Ltd. v. Gopal Lal, (NCDRC) (New Delhi) Law Finder Doc
 NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION (New Delhi)
 Revision Petition No. 4259 of 2009 (against Order dated 3.8.2009 in Appeal No. 480 of 2006 of Rajasthan State Consumer Disputes Redressal Commission, Jaipur). D/d.29.4.2016.
 Ajmer Vidyut Vitran Nigam Ltd. Petitioner
 Versus Gopal Lal Respondent
 Consumer Protection Act, 1986 Sections 2(1)(g), 14(1)(d) and 21(b)
 Electricity -Disconnection Ownership dispute alleged Restoration of supply after four years Damages sought Deficiency in service District Forum dismissed the complaint holding that complainant failed to file ownership papers from Authorities State Commission allowed appeal and awarded compensation observing that complainant had undergone mental tension and harassment because of disconnection of electricity for almost four years Revision against Petitioner-Nigam had released the electricity connection after obtaining NOC from Municipal Committee Since litigation was pending in Civil Court, Municipal Committee as well as petitioner-Nigam could have awaited decision of Civil Court, before taking decision to withdraw the NOC in

favour of complainant, or to disconnect electricity supply already give to him Compensation rightly awarded Revision dismissed

10 Punjab State Power Corporation Ltd v. Puran Singh, (PSCDRC) (Chandigarh) Law

IMPORTANT

Electricity supply is a dire necessity, and an occupier or co-owner of premises is entitled to a new domestic electric connection on fulfilling requisite conditions, even if a civil suit regarding the property is pending.

A. Consumer Protection Act Electricity Act Restoration of electric connection Complainant's electric connection was disconnected due to construction of a National Highway bypass Opposite parties failed to restore the connection even after completion of construction Held, complainant is entitled to a new domestic electric connection by paying prescribed fees and submitting a new application Restoration of the old connection can only be done post-disposal of the pending civil suit and payment of requisite charges, as per rules.

B. Electricity Supply Instruction Manual Consumer entitled to connection despite pending civil suit - Plea of premises being unused or having a 'kuchha room' immaterial - Opposite parties' contention of a stay order by the civil court unsupported by evidence Consumer's right to electricity upheld as essential service.

11 SK. Nuruddin v. West Bengal State Electricity Distribution Company Limited, (Calcutta) Law Finder Doc Id# 2066515

IMPORTANT

Electricity connection granted to a private respondent cannot be interfered with solely on the basis of allegations and pending civil disputes between private parties. Such disputes are to be decided independently by the competent civil court.

A. Electricity Connection Civil Dispute Patitioner's objection to the electricity connection granted to the private respondent on the grounds of fraudulent transfer and pending civil suit -Held, electricity connection granted upon compliance of formalities does not confer any special right, title or equity to the private respondent and does not affect the contentions of the parties in the suit Civil dispute to be decided independently by the competent civil court in accordance with law.

JUDGMENT

Sabyasachi Bhattacharyya, J. Affidavit-of-service filed in court today be kept on record. 2. Learnut counsel for the petitioner contends that the private respondent, by committing a waudulent act, had a

purported deed of transfer executed in his favour, impersonating the petitioner.

3. Hence, a civil suit has also been filed by the petitioner, which is now pending. In the suit, the transfer in favour of the petitioner itself has been challenged. As such, it is contended that the electricity connection given to the private respondent ought to be disconnected.

12 Katepally Madhu Mohan Reddy v. State of Telangana, (Telangana) Law Finder Doc Id # 1998296

IMPORTANT

Mere pendency of a civil suit does not justify rejection of an application for electricity service connection unless an injunction order is passed by the civil court restraining the official respondents from granting such connection or determining possession issues.

A. Electricity Act, 2003-Sanction of electricity service connection - Mere pendency of civil suit regarding the property does not justify rejection of application for service connection Officials obligated to process application if prima facie title exists Grant of service connection subject to objections by third parties and outcome of pending civil suit.

ORDER

Sri. A.Abhishek Reddy, J. Questioning the action of the respondent Nos.5 and 6 in not sanctioning electricity-service connection to the petitioner's premises in Survey No.363/A/1/2, Thumkunta Village. Shamirpet Mandal, the petitioner has filed the present Writ Petition.

2. The learned counsel for the petitioner has stated that the authorities are not considering the application of the petitioner for grant of service connection on the sole ground that the respondent No.7 herein, who is the sister of the respondent No.8 herein, made a representation to the Respondent No.6-Assistant Engineer, Shameerpet Circle, Shameerpet, Medchal- Malkajgiri District, not to grant service connection as O.S.No.192 of 2017 in respect of the land in Survey Nos.362 and 363 of Thumkunta Village is pending. It is further stated that the respondent No.7 has already approached the civil Court seeking partition and separate possession with metes and bounds vide O.S.No.192 of 2017 and the civil Court has granted injunction against the respondent No.8 herein, who is arrayed as respondent No.2 in the said suit. The learned counsel has also stated that the respondent No.8 herein, who is the brother of the respondent No.7 herein, has received the entire sale consideration and delivered the possession of the subject premises to the vendors.

13 A.Murugan v. Divisional Engineer TANGEDCO Vzahapadi, Madras) Law Finder Doc Id # 1449174

IMPORTANT

Electricity service connection cannot be denied to persons in lawful occupation of premises merely on the ground of pending civil disputes regarding ownership or title.

A. Tamil Nadu Electricity Distribution Code, 2004 Clause 27(4) Electricity service connection ac Lawful occupation at Held, electricity connection cannot be denied to persons in lawful possession of premises even if civil disputes regarding ownership or title are pending ac Petitioners directed to execute indemnity bond and fulfill necessary requirements as per regulations at Respondents directed to provide electricity service connections within stipulated time.

B. Civil Law at Electricity connection at Pendency of civil suit regarding title ac Held, pendency of civil disputes cannot be used as a ground to deny electricity service connection to persons who are in lawful possession of property.

6. That the respondents action is arbitrary illegal and violative of article 14 and 21 of the constitution of India as denial of electricity connection amounts to denial of basic amenities necessary for dignified living.
7. That in the reply of respondents a specific allegation leveled by the respondent that a parallel application has been running by the appellant is total denial as appellant is not file any other application regarding the electricity and the rent deed of the appellant is only 200 sq. yards out of the total area 800 sq. yards bearing rect. no. 37 killa no. 7/2 situated within the revenue estate of Fazilpur Jhadsa Tehsil & District Gurugram. It is also clarified that the property of the appellant is also having a property ID in the Municipal Council of Gurgram marked as "residential plot"
8. That the appellant sought the electricity connection for their personal necessity as the appellant is residing in the said plot and the electricity is the basic amenities nobody can deprived from basic amenities and the required load is also mentioned in the application of appellant and the appellant is also ready to furnish indemnity bond in case this commission/forum comes to this conclusion that the indemnity bond may be furnished/executed in favour of the department.

It is, therefore, prayed that on the basis of facts mentioned above, it is most respectfully prayed to this Hon'ble authority may pleased to

- i. Reject the reply/objection filed by the respondents,

- ii. Direct the respondent to release the new Electricity Connection in favour of the respondent as early as possible with police help if required by the department.
- iii. That to fix a responsibility to negligent official for not issuing the electricity connection to appellant within time and for not performing their official duty properly and legally and harassing the appellant without any cause and
- iv. Appellant may be awarded with compensation as such this commission deems fit and proper in the interest of justice for unnecessary harassment and unwarranted litigation.
- v. Pass any other order which this Hon'ble authority deems fit and proper in favour of the appellant against the respondent.

G. Hearing was held on 29.01.2026, as scheduled. The Appellant was represented by his counsel Shri Vipin Jain, who appeared physically. The Respondents were represented by Shri Rajesh Kaushik, SDO (physically) and Shri Raghav Kakkar, Counsel (through VC, permission granted considering the request made via email dated 29.01.2026).

It was observed during the hearing that the Appellant has filed a detailed rejoinder/replication addressing the objections raised by the Respondents in their earlier reply. However, the Respondents have not yet complied with the directions issued in the previous interim order dated 12.01.2026, particularly point No. 1 thereof, requiring submission of the electrification plan of the township (including details of existing infrastructure, zoning, and any restrictions applicable to electricity connections in the area).

The Appellant reiterated his grievance that he is being compelled to live without electricity, which is causing severe hardship, especially in view of the GRAP (Graded Response Action Plan) restrictions imposed by the district administration prohibiting the use of DG sets, coupled with high levels of smog and deteriorating AQI conditions in the region.

Having heard the submissions of both parties and perused the records, including the rejoinder filed by the Appellant, the following directions are issued to ensure expeditious compliance and enable final adjudication:

1. The Respondents (DHBVN) are directed to strictly comply with the earlier interim directions dated 12.01.2026, specifically by submitting the electrification plan of the township wherein the plot in question is situated (including details of existing infrastructure, zoning, and any applicable restrictions on electricity connections) within 7 days from the date of this order.
2. Upon receipt of the above compliance from the Respondents, the Appellant shall file his further reply/rejoinder, if any, addressing the same, within 10 days

thereafter (or earlier, if possible), so that the matter can proceed without undue delay.

Both parties are strictly directed to comply with the above timelines without fail. The Respondents are reminded that non-compliance may be viewed seriously.

The Appellant is advised to remain prepared to substantiate his possession/occupation and entitlement to the connection, in line with settled principles under the Electricity Act, 2003, Haryana Electricity Supply Code, and relevant judicial precedents (as cited in his rejoinder).

The Appellant has repeatedly alleged violation of his fundamental rights under Article 21 of the Constitution of India due to denial of electricity (an essential service), despite judicial precedents emphasizing non-denial on grounds of ownership disputes where possession/occupation is established. The Respondents shall come prepared to address these contentions comprehensively.

The case shall now be heard on 18.02.2026.

H. On 13.02.2026 counsel of appellant has submitted as under:-

1. That the present replication is being filed by the appellant in compliance of the interim order dated 29.01.2026 passed by this Hon'ble Ombudsman, whereby the respondents were directed to submit the electrification plan/joining plan and detail of restriction applicable to electricity connection in the township where the appellant plot is situated.
2. That the respondent have been repeatedly adopting delaying tactics and are deliberately avoiding the grant of electricity connection to the appellant despite this fact that the appellant is residing peacefully in the premises and has duly completed all formalities required for release of electricity connection
I. ELECTRIFICATION PLAN AS WELL AS ZONING PLAN CLEARLY SHOWS APPELLANT'S PLOT MARKED AS "OTHERS LAND" AND ALSO CLEARLY SHOWS ACCESS TO OTHER LAND.
3. That the Respondents' own electrification plan/zoning plan and the approved layout plan clearly depict the area wherein the Appellant's plot is situated and the same is categorically marked as "OTHERS LAND" and also clearly shows the access of appellant plot as such plea taken by the respondent is clearly become false and arbitrary.
4. That the said electrification plan also demonstrates that the Appellant's plot is not a part of the license area/developer's internal licensed residential blocks. Rather, the Appellant's plot/land is an independent parcel situated inside the boundary wall, which is clearly recorded as "Others Land". It is also clarified that the appellant plot is having separate and specific rectangle number and killa number from the

time of chakbandi i.e. 1961-1962 and the license colony is developed by the developer after taking the license after year 2008 and in the license the killa number of appellant plot is not mentioned as such, it has been clear that the appellant plot is not a part of license area of developer.

5. That therefore, the objection raised by the Respondents that the Appellant cannot be granted an independent connection due to existence of single-point supply/bulk supply arrangement in the licensed colony is misconceived, illegal and contrary to the very zoning plan relied upon by the Respondents.
6. That the Respondents cannot take a contradictory stand on one hand relying upon the electrification plan and zoning plan and on the other hand refusing electricity to the Appellant despite the plan showing that the Appellant's land is separate and not part of the developer's license area and residential units.

II. ELECTRICITY IS A BASIC AMENITY – CANNOT BE DENIED ON OWNERSHIP/CIVIL DISPUTE GROUNDS: -

7. That it is a settled principle of law that electricity is an essential service and cannot be denied merely due to ownership disputes, particularly when the applicant is in possession/occupation and is ready to execute indemnity/undertaking as per the Supply Code.
8. That the Hon'ble Supreme Court of India as well as Hon'ble Punjab & Haryana High Court and other various High Court of India has consistently held that electricity connection is a basic necessity and the Distribution Licensee cannot refuse connection solely on the ground of title dispute, and the electricity connection does not confer ownership rights.
9. That the Appellant respectfully submits that denial of electricity is causing grave hardship and violation of the Appellant's rights under Article 21 of the Constitution of India, especially in view of GRAP restrictions and winter conditions, whereby use of DG sets is restricted.

III. SALES CIRCULAR D-40/2023 (DHBVN) – CONNECTION EVEN IN UNAUTHORIZED COLONIES / SLUMS

10. That the Respondents are bound by the Haryana Electricity Regulatory Commission (HERC) Electricity Supply Code and the circulars issued by DHBVN from time to time.
 - i. That DHBVN has issued Sales Circular No. D-40/2023 dated 02.12.2023, specifically on the subject:
“Release of electricity connections in un-authorized colonies and slums.”
 - ii. That the said Sales Circular incorporates the amendment notified by HERC, which clearly provides that: electricity connection may be provided to those

residing in unauthorized colonies/slums without insisting on ownership/legal occupancy proof; and release of electricity connection shall not confer any lawful ownership/legal occupancy rights.

13. That the Appellant submits that when electricity connection can be released even in unauthorized colonies/slums without insisting upon ownership proof, there is no justification whatsoever for denying electricity to the Appellant who is residing in an established township/license colony i.e. Sector-72 Gurugram and has submitted all requisite documents. It is also clarified that respondent supplied the electricity to all adjacent resident of appellant.

14. That the Respondents have acted arbitrarily and discriminatorily, and their refusal is contrary to DHBVN's own binding circulars.

15. That the Appellant is ready and willing to submit:

- i. affidavit as per Annex-I
- ii. indemnity bond as per Annex-II
- iii. as contemplated in Sales Circular D-40/2023 and HERC Supply Code.

SINGLE POINT SUPPLY ARRANGEMENT DOES NOT TAKE AWAY RIGHT OF INDEPENDENT OWNER/APPELLANT

- i. That the Respondents have repeatedly tried to justify refusal by stating that the colony is on a single-point/bulk supply system and therefore individual independent connection cannot be granted.
- ii. That the concept of a single point/bulk supply electricity connection is meant for planned distribution to the residence of the licensed colony, who have purchased unit/plot from the developer and are part of the internal colony infrastructure.

That however, where a third party private plot/land is situated inside the boundary wall of such licenses colony, the developer cannot, by merely raising a boundary wall or by adopting a bulk supply arrangement, deprive such third party owner/occupant of his independent statutory right to seek electricity connection.

That if such practice is permitted then any developer can forcible include third party private land can cover within a boundary wall and thereafter, deny electricity connection and other essential amenities, which would be wholly illegal, arbitrary, unconstitutional and contrary to the electricity act 2003 and the H.E.R.C. electricity supply code.

That it is submitted that the bulk supply arrangement cannot be used as a tool to force a third-party private owner either: to accept illegal demand of developer or controlled supply, or to succumb to illegal demands, or to vacate the property, or to purchase the property at throwaway price as per developer.

That therefore, the Appellant submits that single point/bulk supply arrangement cannot override the statutory obligation of the Distribution Licensee to supply electricity to an eligible applicant, especially when the applicant is an independent private owner/occupant and his land is clearly shown as “Others Land” in the electrification/zoning plan.

B. NEITHER DEVELOPER NOR DHBVN CAN DENY ELECTRICITY – APPELLANT CANNOT BE LEFT REMEDILESS

That the Appellant submits that the present case reflects a peculiar and illegal situation wherein:

(i) the developer is not providing electricity to the Appellant, and the Distribution Licensee i.e., DHBVN is also refusing to provide independent electricity connection to the Appellant.

That such a situation is not permissible under law, because it would mean that the Appellant is left completely without remedy and is forced to live without electricity indefinitely, which is totally unconstitutional.

That it is submitted that the law does not contemplate a situation where a citizen is deprived of electricity merely because: a licensed colony exists, or bulk supply system is adopted, or a boundary wall has been constructed, or the developer raises objections, or there exists a civil dispute regarding land.

That the Respondents cannot take shelter under the bulk supply arrangement and abdicate their statutory duty under the Electricity Act, 2003 to supply electricity to an eligible consumer.

C. ELECTRICITY IS A BASIC AMENITY – A PERSON CANNOT BE COMPELLED TO LIVE WITHOUT ELECTRICITY

That electricity is not a luxury but a basic necessity and an essential service for dignified human living. The Appellant cannot be compelled to live in darkness and hardship.

That denial of electricity for months together is not only arbitrary, but also amounts to violation of the Appellant’s fundamental rights, especially the right to life with dignity under Article 21 of the Constitution of India.

That in the present times, electricity is essential for: lighting, drinking, water supply (motor) charging of phones, basic household functioning and health and safety, education of children, protection from extreme weather conditions and dignified living.

That the Appellant submits that no person can be expected to live without electricity and denial of electricity cannot be justified on technicalities, especially when the Appellant is ready to fulfill all formalities and submit indemnity bond/undertaking as per the Supply Code.

That the Respondents' stand effectively results in civil death-like conditions for the Appellant, and the same deserves strict view by this Hon'ble Ombudsman.

DHBVN SALES CIRCULAR D-40/2023 STRENGTHENS APPELLANT'S CASE

That the Appellant further relies upon DHBVN Sales Circular No. D-40/2023 dated 02.12.2023, which adopts the 3rd Amendment in HERC Electricity Supply Code, 2014, and specifically provides that electricity connection can be released even in unauthorized colonies/slums without insisting upon ownership/legal occupancy proof.

That the circular further clarifies that release of electricity connection does not confer any ownership/legal occupancy rights.

That once the Respondents themselves have adopted the above policy, there remains no justification for refusing electricity to the Appellant, who is residing in an established township and whose land is shown separately as "Others Land" in the electrification plan.

16. That the said stand is illegal and unsustainable because:

- a) The Appellant is not a buyer of the developer's unit and has independent plot having separate and specific number from the time of consolidation i.e. 1961-1962 and the developer colonies developed after taking license in the year 2008.
- b) The Appellant is an independent private owner/occupant;
- c) The zoning/electrification plan itself shows the Appellant's land as "Others Land" as well as clearly shows the access to the other land of appellant which is sanctioned by the town and country planning Haryana.
- d) The developer cannot use single-point supply as a tool to deprive the appellant or any third-party owners of independent electricity.

17. That it is further submitted that if the Respondents' stand is accepted, it would create a dangerous precedent whereby a developer could deprive third-party owners of electricity, which is impermissible under law.

BUILDER/DEVELOPER USING ELECTRICITY DEPARTMENT AS A TOOL OF PRESSURE- NOT PERMISSIBLE

18. That the Appellant submits that the Respondents have been indirectly supporting the developer's pressure tactics, by denying independent connection and forcing the Appellant to sell his plot to developer as per his bill by denying the electricity connection as the developer clearly says that such type of words "तुम्हें यह प्लॉट बिजली पानी ना मिलने के कारण मजबूर होकर हमें सस्ते दामों में ही बेचना होगा"

19. That the Appellant submits that electricity cannot be made a bargaining instrument to compel the Appellant to surrender legal rights, vacate, or sell to the developer.

THE RESPONDENTS HAVE NOT COMPLIED WITH EARLIER DIRECTIONS

20. That it is submitted that earlier interim directions dated 12.01.2026 were issued, requiring the Respondents to submit electrification plan/zoning and restrictions.

21. That the Respondents have not complied with the said directions within time and are continuing to delay the proceedings, which deserves strict view.

PRAYER:-

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Ombudsman may kindly be pleased to:

- a) Allow the appeal and direct the Respondents to release an independent electricity connection to the Appellant forthwith at his premises/plot i.e. TATA PREMANTI RESIDENTIAL SOCIETY GATE NO. 7 BLOCK-D also having rect. no. 37, killa no. 7/2 (1-7) situated within the revenue estate of village Fazilpur Jhadsa, Tehsil Badshahpur, District Gurugram and to release electricity connection forthwith on urgent basis and in time bound manner considering that the Appellant is living without electricity and the denial amounts to violation of Article 21 of the Constitution of India.
- b) Direct the Respondents to comply with the order/directions of this Hon'ble Ombudsman in a strict time-bound manner, preferably within 7 days /15 days (as this Hon'ble Ombudsman may deem fit), as the Respondents are deliberately and repeatedly delaying the matter and depriving the Appellant of basic electricity supply.
- c) Direct the Respondents to ensure necessary police assistance / protection to the field staff for installation of electricity line, pole, meter and energization at the premises of the Appellant, so that the connection is installed smoothly and no third party or private builder/R.W.A. or any other person creates any obstruction.
- d) Direct the Respondents to place on record the names of the officers/officials who processed and rejected/delayed the Appellant's request for electricity

connection and to fix responsibility and liability of the negligent officers, who have willfully failed to discharge their statutory duties under the Electricity Act, 2003 and the HERC Electricity Supply Code.

- e) Direct initiation of departmental inquiry/disciplinary action against the concerned erring officers/officials of DHBVN who have, without any lawful justification, deprived the Appellant of electricity for a prolonged period and have caused unnecessary harassment, hardship, mental agony and violation of the Appellant's fundamental rights.
- f) Award compensation in favour of the Appellant for illegal denial of electricity, mental harassment, suffering and hardship caused due to the arbitrary acts and omissions of the Respondents, along with litigation costs, as this Hon'ble Ombudsman may deem fit and proper in the facts and circumstances of the present case. "including costs towards travel, documentation, legal expenses and loss of normal life."
- g) Pass any other order(s) or direction(s) as this Hon'ble Ombudsman may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

I. The hearing in the matter was held on 18.02.2026, as scheduled. The Appellant was represented by his counsel Shri Vipin Jain, who appeared physically. The Respondents were represented by the XEN Operation and Shri Rajesh Kaushik, SDO Operation (both through Video Conferencing), along with their counsels Shri Raghav Kakkar and Shri Shiv Partap Thakur (physically present).

During the hearing, the Appellant submitted documents pertaining to license numbers 155/2008 and 160/2008 issued by the Director, Town and Country Planning (DTCP), Haryana, in support of his claim that there is clear access to his land as per point No. 5 of the said notification. It was further contended by the Appellant that the electrification plan of the society (Tata Primanti Residential Society) explicitly indicates that the property owned by Smt. Upasana Jain is not part and parcel of the development plan, and the same has been highlighted and marked by the concerned SDO as "others land" in the electrification plan. The Appellant emphasized that the property in question is in the possession of Smt. Upasana Jain, and he is seeking a temporary electricity connection on a portion measuring 200 sq. yards, which has been denied by the Respondents.

The SDO Operation, on behalf of the Respondents, raised the contention that although the instant property is not part and parcel of the housing society, the access to it is through the gated colony developed under the aforesaid license numbers 155/2008 and 160/2008, and the title of the main property holder, Smt. Upasana Jain, is under litigation. In support of this, the Respondents' counsel referred to specific portions of their reply filed earlier, including pages 21/22 and 26, pages 13 and 14 (para 2), page 21 (points 11, 12, and 13), and page 26, arguing

that it is against the regulations to consider the release of electrification, as the Appellant applied for the connection after the rejection of their suit in the lower court and subsequently entered into a tenant agreement while the matter remains sub-judice before the Hon'ble Punjab and Haryana High Court in the case titled against Smt. Upasana Jain.

Having heard the submissions from both sides and perused the records, including the documents submitted during the hearing, the rejoinder/replication filed by the Appellant, the Respondents' reply, and the previous interim orders dated 22.12.2025, 12.01.2026, and 29.01.2026, it is observed that the matter involves complex issues of possession, title disputes, access rights, and the obligation to supply electricity as an essential service under the Electricity Act, 2003, the Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request, Power to Recover Expenditure Incurred in Providing Supply and Power to Require Security) Regulations, 2016 (as amended), the Haryana Electricity Supply Code, 2014 (as amended). In particular, reference is made to Regulation 3.18(iv) of the HERC Regulations, 2020, which provides for handling matters that are sub-judice, emphasizing that the Ombudsman shall not pass any order that may prejudice the rights of parties in ongoing judicial proceedings, while ensuring that the proceedings before the Ombudsman are conducted in a manner that facilitates a fair and expeditious resolution without interfering with sub-judice aspects.

To enable a comprehensive and informed adjudication, avoiding any legal complications or adverse orders that could impact the sub-judice proceedings before the Hon'ble High Court, both parties are directed to file detailed affidavits within 4 days from the date of this order, addressing the following specific questions and issues layer by layer, supported by documentary evidence where applicable. The affidavits shall be sworn and notarized, providing a true and fair picture of the factual, legal, and current situation, in line with settled legal principles.

Directions to the Appellant:

1. Demarcate and inform the exact location of the plot where the temporary electricity connection is sought, including a clear sketch/map with plot numbers as per revenue records (e.g., Khasra No. 37//7/2), boundaries, and demarcation of the 200 sq. yards portion. Specify under which sale deed (2014 or 2022) this portion falls, and confirm whether this specific portion has been challenged in any court of law in respect of Smt. Upasana Jain or yourself (Shri Naman Jain).
2. Provide documentary proof of current possession and occupation of the said 200 sq. yards portion (e.g., recent photographs, utility bills, municipal acknowledgments, or possession certificates from revenue authorities/Municipal Corporation Gurugram). Explain the legal status of your occupation, including how it aligns with the rent deed dated July 1, 2025 (post the lower court's rejection on June 10, 2025),

and why this does not constitute an attempt to circumvent the sub-judice proceedings as alleged by the Respondents.

3. How the denial violates your fundamental rights under Article 21. Address the Respondents' contentions on pages 21/22, 26, 13-14 (para 2), and 21 (points 11-13) of their reply, explaining why the access through the gated colony does not bar the connection under DTCP notification point 5 and the electrification plan marking it as "others land."

Directions to the Respondents:

1. Clarify your policy and practice regarding the supply of temporary electricity connections where an applicant is in possession of land with supporting documents from Municipal Corporation Gurugram or revenue authorities, but the title is challenged in court. Explain, layer by layer, whether this falls under the statutory obligation to supply electricity as an essential service under Section 43 of the Electricity Act, 2003, and why denial in this case does not amount to unnecessary harassment.
2. Submit how this case differs from other instances where temporary connections have been released purely on an indemnity bond as per DHBVN Sales Circular No. 40/2023 (in line with Haryana Electricity Supply Code, 2014, Regulation 4.5.2, allowing temporary supply on affidavit/indemnity for disputed premises). Explain whether the fate of the title dispute would be altered or prejudiced by releasing a temporary connection on indemnity, and why Regulation 3.18(iv) of HERC Regulations, 2020, does not permit such release here without interfering with the sub-judice matter before the Hon'ble High Court.
3. Address the Appellant's submissions on license nos. 155/2008 and 160/2008, DTCP notification point 5, and the electrification plan (marking as "others land"), explaining why access through the gated colony bars the connection despite these documents. Provide details of any restrictions in the township's electrification plan or zoning that specifically prohibit connections to such "others land," and confirm if residents' objections (as mentioned in previous orders) override the duty to supply under the Act and Supply Code.

Both parties shall submit their affidavits within 4 days from the date of this order, with copies exchanged between them. Upon receipt, the Appellant may file a brief response to the Respondents' affidavit within 2 days thereafter, if necessary.

The case shall now be heard on 26.02.2026.

- J.** On 24.02.2026 counsel of appellant has submitted reply through affidavit and also submitted a speaking order issued by District Town Planner, Enforcement, Gurugram.

- K.** The hearing in the matter was held on 27.02.2026, as re-scheduled. All the parties were present through Video Conferencing.

Decision

- L.** After hearing both the parties and going through the record made available on file.
1. The Appellant filed this appeal against the rejection of his application dated 02.07.2025 (No. G27-725-24) for a temporary Domestic Supply (DS) electricity connection for approximately 200 sq. yards of rented premises at Rect. No. 37, Killa No. 7/2 (1-7), Block-D, Gate No. 7, Tata Primanti Residential Society, Sector-72, Gurugram (revenue estate of Village Fazilpur Jharsa). The application was supported by rent agreement dated 01.07.2025, Aadhaar card, and fee deposit of Rs. 13,100/-. The SDO cancelled it on 29.07.2025 citing "site already completed" and advised permanent connection. The Circle CGRF-II (25.09.2025) and Corporate CGRF (19.11.2025) upheld the rejection primarily on grounds of pending civil title disputes concerning the landlord (Smt. Upasana Jain), absence of occupation/completion certificate, and the plot being within a licensed colony with single-point bulk supply.
 2. Interim directions dated 12.01.2026 and 29.01.2026 required submission of the approved electrification/zoning plan and restrictions. The Respondents complied vide Memo No. 1489 dated 06.02.2026, enclosing the plan which marks the plot as "Others Land" (distinct from licensed residential blocks) with shown independent access.
 3. The Appellant filed replication dated 09.02.2026 with Affidavit (Annexure-I) and Indemnity Bond (Annexure-II) dated 13.02.2026 (notarised), exactly conforming to formats in DHBVN Sales Circular No. D-40/2023 dated 02.12.2023. These documents declare occupation under rent agreement (without ownership certificate), indemnify DHBVN against claims, permit disconnection without notice, and clarify no title/occupancy rights are conferred.
 4. Post-hearing, the District Town Planner (Enforcement), Gurugram issued Speaking Order Memo No. 2813 dated 23.02.2026 (Endst. No. 2814-15 same date), holding the land as "Other's Land" in the sanctioned layout plan of Tata Housing Development Company Ltd. (Licences 155/2008 & 200/2008), landlocked with access only via the 6-metre sanctioned internal road, invoking Section 13 of the Indian Easements Act, 1882 (easement of necessity), referring to Civil Court order dated 24.03.2025 granting passage, and directing the RWA not to block access (failing which action under relevant provisions/rules).

Proceedings of the Hearing Dated 27.02.2026

5. The hearing was held as scheduled via video conference, attended by the Respondent SDO (Operation), Sohna Road; counsel for the Respondents; and counsel for the Appellant.

6. At the outset, this office inquired about the Respondents' non-submission of reply to the directions in the last interim order dated 29.01.2026. The counsel for the Respondents stated that there is a right of way problem, as access to the premises is denied by the colonizer. Further, they contended that the connection is sought on land where litigation is ongoing, with no remarkation indicating the plot's status under any power of attorney. The Respondent SDO intimated that a court case is pending in the Hon'ble Punjab and Haryana High Court involving the landlord Smt. Upasana Jain, and release of connection could affect the Respondents' position therein.
7. In response, the counsel for the Appellant submitted that the connection is sought for the part of the land entered into sale deed in the year 2014. He emphasized that the application is based on indemnity bond, which clearly states that temporary connection does not confer entitlement to the land. He further stated that the District Town Planner has issued a detailed Speaking Order vide which access to his land (titled as "Other Land" surrounded by Tata Parvati project) has been provided from the developer, and now he is able to access the property. He added that a nearby connection has been issued by the Respondent department.
8. This office asked the Respondent SDO to comment on the feasibility of releasing the connection on indemnity bond as per Nigam instructions, and how the instant case differs, given that the Appellant is in possession of the land, the District Town Planner is admitting his case and has passed a Speaking Order for the owner of the property termed as "Others Property" (now an admitted fact). Furthermore, the NOP code under which the consumer will be billed describes itself—can a person be deprived of basic electricity supply that too on temporary basis?
9. The counsel for the Respondents contended that there should be an undertaking from the Appellant that this case will not be taken as a claim before the Hon'ble Punjab and Haryana High Court. To this, the counsel for the Appellant replied that the connection is sought in the name of Naman Jain, who has no relation to the court case in the name of Upasana Jain, and that the indemnity bond has been submitted for the matter.

Submissions

10. Appellant: The plot is independent ("Others Land" per plan and revenue records since 1961-62), outside developer's licensed area (post-2008). Occupation as tenant suffices under Section 43 of the Electricity Act, 2003. D-40/2023 permits release without ownership proof on affidavit/indemnity. Single-point supply cannot deprive third-party occupier. Denial violates Article 21 (basic amenity, GRAP DG-set restrictions). Cited precedents: Najrul Islam Mallik v. WBSEDCL, K.P.C. Kandasamy v. AEE, Meghnath Mondal v. WBSEDCL, United Plastic Machinery v. CESC, Ajmer Vidyut Vitran Nigam Ltd. v. Gopal Lal, Punjab State Power Corporation Ltd. v. Puran Singh – all affirm supply to occupier despite title disputes, with indemnity protecting licensee.

11. Respondents: Plot inside boundary wall; single-point 33 kV supply; title sub-judice (fraud allegations); no occupation certificate; RWA objects to way-leave.

Analysis and Findings

12. Maintainability: Clause 2.15 of HERC (Forum & Ombudsman) Regulations, 2020 (1st Amendment 2022) bars identical sub-judice matters. Appellant (tenant) is not party to landlord's suits; relief distinct. Maintainable.

13. Plot Status & Access: Respondents' plan and DTP Order conclusively confirm "Others Land" status with sanctioned access. Section 13 Easements Act, 1882 applies (necessity for landlocked property). DTP directs RWA not to obstruct. Infrastructural objection removed; private objections irrelevant.

14. Duty to Supply: Section 43 Electricity Act, 2003 mandates supply to owner or occupier. Rent agreement establishes occupation. Rajendra Kumar Barjatya (2024 SCC OnLine SC 2674) distinguishable (completed buildings; not open plot/temporary).

15. D-40/2023 Application: Issued pursuant to 3rd Amendment (Gazette 15.11.2023) to HERC (Electricity Supply Code) Regulations, 2014. Permits connection without ownership/occupancy proof in analogous disputed situations on affidavit (Annex-I) & indemnity (Annex-II). Documents furnished match formats exactly; protect licensee fully (no title conferred, disconnection without notice, monthly NOP reporting to authorities). Principle applies. The Respondents' concern regarding impact on pending High Court litigation is addressed by the indemnity bond, which explicitly indemnifies DHBVN and states that the connection does not confer any ownership/occupancy rights.

16. Single-Point Supply: Intended for licensed units; cannot override statutory duty to independent parcel. Licensee must create infrastructure (cost recoverable) per HERC Duty to Supply Regulations.

17. Hardship: Prolonged denial amid GRAP/AQI issues violates Article 21 right to dignified life.

Decision

18. Appeal allowed. Impugned orders set aside.

Directions

It is ordered that respondents shall comply following directions within stipulated time period: -

- (i) Release temporary DS connection at premises within 15 days from the date of this order in the name of appellant (as per the site identified by the appellant falling under the sales deed of year 2014 as confirmed by counsel for the appellant).

- (ii) Accept submitted Affidavit & Indemnity Bond per D-40/2023.
- (iii) Bill under "NOP" code.
- (iv) Recover charges/infrastructure costs per Supply Code.
- (v) Obtain police assistance if obstructed by RWA/developer/third party for installation/energisation.

Compliance report within 30 days of energisation (copy to Appellant).

The instant appeal is disposed of accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 03.03.2026.

Sd/-

(Rakesh Kumar Khanna)

Electricity Ombudsman, Haryana

Dated: 03.03.2026

CC:

Memo No.2935/EO/HERC/Appeal No. 47/2025 Dated:03.03.2026

To

1. Sh. Naman Jain son of Vipin Jain, resident of Ward No. 6, near Arya Samaj Mandir, Nuh and also residing at Khasra No. 37//7/2, Block-B, Gate No. 7, Tata Primanti residential Society, Sector-72, village Fazilpur Jhadsa, SPR road, Gurugram (Email advjainvipin@gmail.com)
2. The Managing Director, DHBVN, Hisar (Email md@dhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Panchkula (Email lr@hvpn.org.in).
4. The Chief Engineer Operation, DHBVN, Hisar (Email ceophisar@dhbvn.org.in).
5. The SE/OP, Circle, Gurugram-II, DHBVN, Gurugram HVPNL Complex, Near Police Line, Mehrauli Road, Gurugram-122001 (Email seop2gurugram@dhbvn.org.in)
6. The XEN/OP, Divn., Badshahpur, DHBVN, Gurugram, (Email xenopbadshahpur@dhbvn.org.in)
7. SDO/OP, Sub Divn. Sohna Road, DHBVN, Gurugram (Email sdoopsohnaoad@dhbvn.org.in)