



(Regd. Post)

Appeal No. : 15 of 2026
Registered on : 27.04.2026
Date of Order : 02.09.2026

In the matter of: -

Appeal against the order dated 13.04.2026 passed by CGRF, DHBVN Gurugram in case No 5019/2026

Shri Prince, House No. - 725, Near Jiya Dairy, Sector - 39, Vill. Jharsa, Gurgaon-122003

Appellant

Versus

1. The XEN/OP Divn. Sub Urban, DHBVN, Gurugram, Haryana
2. SDO/OP, Sub Division, Sector-31, DHBVN, Gurugram, Haryana

Respondent

Before:

Shri Rakesh Kumar Khanna, Electricity Ombudsman

Present on behalf of Appellant:

Shri Prince Saini
Shri Vikram Singh, Advocate

Present on behalf of Respondents:

Shri Dharm Singh, SDO
Shri Jamal Din, Estate Officer of Haryana Waqf Board

ORDER

- A.** Shri Prince, House No. - 725, Near Jiya Dairy, Sector - 39, Vill. Jharsa, Gurgaon-122003 has filed an appeal against the order dated 13.04.2026 passed by CGRF, DHBVN, Gurugram in case no. 5019 of 2026. The appellant has submitted as under: -

I respectfully submit that my electricity connection application has been illegally denied by DHBVN mainly on the ground of ownership/legal occupancy objections, despite my continuous submission of supporting documents and willingness to comply with all reasonable formalities.

I had already filed my complaint before the CGRF. However, the CGRF has neither passed the order within the prescribed time nor provided proper opportunity of hearing in accordance with the applicable regulations. Even after the hearing, no proper update/order was communicated to me within time.

My grievance is based on the following facts:

1. DHBVN officials have continuously insisted upon ownership documents and have refused to consider other supporting documents showing my possession/occupation.
2. The concerned SDO has treated the land as disputed/waqf property on the basis of notice/objection, which is beyond the authority of the electricity department, as title disputes can only be decided by a competent civil court.

3. The CGRF failed to decide the complaint within the prescribed period in a supply-related matter and did not follow the due procedure properly.
4. Electricity is a basic necessity, and denial of connection merely on such grounds has caused serious hardship to me and my family.

I therefore request your good office to kindly treat this email as my appeal/complaint and grant appropriate relief, including direction for release of electricity connection at the earliest, and to examine the illegality in the action of DHBVN and the failure of CGRF to act in accordance with law.

I am attaching the relevant documents, including the application papers, objections, replies, and supporting records, for your kind consideration.

Kindly acknowledge receipt of this appeal and take necessary action at the earliest.

B. The appeal was registered on 27.04.2026 as an appeal No. 15 of 2026 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 01.06.2026.

C. On 26.05.2026, respondent SDO has submitted reply which is as under:-
In this connection, it is intimated that the complaint of Shri Prince S/o Sh. Duli Chand had applied for new domestic electricity at premise right behind plot no 669 Sec. 39 village jharsa Gurugram.

***Objections of the Complainant:-**

1. That I had earlier submitted a complaint before the CGRF Forum cell on 02 Feb 2026 but my issue has not been resolved satisfactorily.
2. That the issue relates to new electricity connection denial by DHBVN officials (SDO).
3. That I have already approached the concerned authorities (before the CGRF forum), but no proper action has been taken so far.
4. That I am legally entitled to receive electricity service as per the applicable rules and regulations.

***Reply of the above as under:-**

1. That the plaintiff had registered a complaint before the Hon'ble CGRF, Circle-II, Gurugram on dated 05.02.2026. The matter was heard by the Hon'ble Forum after providing sufficient opportunity to the plaintiff to present his case/defence. After considering the facts and records, the complaint was dismissed in favour of this office. (Copy of the order enclosed as Annexure-A).
2. That the application for release of new electricity connection was cancelled due to deficiency in submission of valid legal ownership documents as required under the applicable norms/regulations.

3. That thereafter, the plaintiff again filed a complaint before the Hon'ble Corporate CGRF, Gurugram on dated 10.03.2026. The said complaint was also heard after granting adequate opportunity to the plaintiff for presenting his submissions, and the Hon'ble Forum was decided to dismiss the complaint in favour of this office. (Copy of the order enclosed as Annexure-B).
4. That despite sufficient opportunities, the plaintiff failed to provide/submit the requisite legal ownership documents as per prescribed norms and regulations for processing the new connection application.

In view of the facts and circumstances stated herein above, it is therefore most respectfully prayed that the present matter/claim may kindly be decided by passing such order as deemed fit and proper in the interest of justice.

It is, therefore, most respectfully prayed that in light of the foregoing submissions, the Hon'ble Ombudsman may kindly take into account the peculiar facts of instant case and pass any other order/direction as deem fit in facts and circumstances of the case.

Submitted for kind consideration, please.

- D.** On 31.05.2026, appellant has submitted rejoinder of the reply submitted by SDO which is as under:-
1. **Applicant Applied as an Occupier under Section 43**
The Applicant applied for a new electricity connection under Section 43 of the Electricity Act, 2003 as an occupier and submitted an Affidavit and Indemnity Bond. The application was rejected solely on the ground that a Sale Deed had not been uploaded, without considering the Applicant's status as an occupier.
 2. **Failure to Consider Occupancy Rights**
Neither the SDO, nor the CGRF, nor the Corporate CGRF examined the Applicant's occupancy rights and supporting documents. The matter was decided solely on the basis of non-submission of ownership documents.
 3. **Lack of Adequate Opportunity**
The Respondent consistently supplied replies only at the time of hearing, depriving the Applicant of a reasonable opportunity to examine and rebut the contents.
 4. **Violation of Natural Justice**
The Applicant specifically requested that replies be supplied at least five days before the hearing. Despite this request, the Respondent failed to provide advance copies, causing serious prejudice to the Applicant.
 5. **Statutory Right of an Occupier**
Section 43 of the Electricity Act, 2003 recognizes the right of both an owner and an occupier to seek electricity supply. Ownership is therefore not the sole criterion for grant of electricity connection.
 6. **Electricity is an Essential Service**

The Applicant is seeking only electricity supply and not any declaration of ownership. Disputes relating to title cannot ordinarily defeat the Applicant's request for basic electricity supply when occupancy is established.

7. Supporting Occupancy Documents

The Applicant possesses occupancy-related documents including Aadhaar Card, Bank Passbook, Ward Member Verification Certificate, Affidavit, Indemnity Bond and other supporting documents demonstrating actual occupation and residence at the premises.

PRAYER

In view of the facts stated above, it is respectfully prayed that the appeal be allowed, the impugned action of the Respondent be set aside, and DHBVN be directed to release the electricity connection to the Applicant in accordance with Section 43 of the Electricity Act, 2003 and applicable HERC Regulations.

E. The matter was listed for hearing today i.e. 01.06.2026. Both the Appellant and the Respondent-SDO were present through their respective representatives. During the course of hearing, the Appellant submitted copies of documents in support of his claim, including:

- Application No. G51-1225-142 dated 23.12.2025 for release of new domestic electricity connection.
- Notarised Affidavit declaring no ownership claim.
- Indemnity Bond executed on NJSP of ₹20/- and ₹101/- stamp paper.
- UID, Bank Passbook, Occupancy Certificate issued by Sh. Pawan Kumar Saini, Municipal Councillor, Ward No. 13, Gurugram.
- MCG Letter No. Tehsildar/NT/MCG/2026/128 dated 27.01.2026.
- Report of Sh. Gajender Singh Namberdar dated 16.01.2026 and endorsements by Municipal Councillors.

The Appellant clarified that the premises in question is located right behind Plot No. 669, Sector-39, Village Jharsa, Near Durga Colony, Gurugram - 122003. He submitted that he is not claiming ownership of the land but is in physical possession thereof and seeks release of electricity connection solely on the basis of the submitted indemnity bond and occupancy documents. He also relied upon the judgment of the Hon'ble Madras High Court in W.P. No. 6734 of 2018 (H. Nafeesa Banu & Ors. vs. TANGEDCO) decided on 30.08.2022.

The Respondent-SDO contended that although the Appellant has offered an indemnity bond, the premises does not fall within the category of an unauthorized colony or slum area as required under Clause 4.4.1(5) of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014, on the basis of which Sales Circular No. 40 of 2023 dated 02.12.2023 was issued. It was further submitted that the land in question is claimed by the Haryana Waqf Board.

The Appellant, in response, stated that electricity connections have been released in similar situations in the vicinity and offered to furnish details thereof.

This appeal has been preferred by the Appellant under the Haryana Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2019, challenging the rejection of his application for new electricity connection and the proceedings before the Corporate Grievance Redressal Forum (CGRF).

1. Brief Facts

The Appellant applied for a new domestic electricity connection vide Application No. G51-1225-142 dated 23.12.2025 for the premises at H.No. 725, Sector-39, Village Jharsa, Gurugram. The application was rejected primarily on the ground of non-submission of ownership documents as mandated under Sales Circular No. D-07/2020. The Appellant relied upon the MCG letter and Councillor verification as proof of occupancy. A contradiction exists between local verifications (inside Lal Dora) and the official MCG report (outside Lal Dora). The land is also subject to a claim by the Haryana Waqf Board vide notice issued in 2019.

2. Contentions of the Parties

The Appellant contended that the list of documents under the Supply Code is illustrative and not exhaustive (relying on *Mobin Ansari v. PSPCL*, CWP No. 13439 of 2022 decided on 23.08.2022 by the Punjab & Haryana High Court). He submitted that he is in continuous physical possession and that the distribution licensee cannot adjudicate title disputes. He prayed for release of connection on the strength of the furnished indemnity bond and affidavit.

The Respondents maintained that strict compliance with ownership/possession documents is mandatory and that the premises, being outside Lal Dora and subject to Waqf Board claim, does not qualify for release under applicable regulations, particularly Sales Circular No. 40 of 2023.

3. Observations

Having heard the parties and perused the material on record, this office is of the prima facie view that:

- Electricity supply is a basic essential service and the distribution licensee has a statutory obligation under Section 43 of the Electricity Act, 2003 to supply electricity to the owner or occupier of the premises.
- The documents prescribed under the Supply Code are illustrative and not exhaustive, and relevant documents issued by competent public authorities establishing occupancy deserve due consideration.
- The distribution licensee is not empowered to adjudicate complex questions of title or civil disputes, including claims by the Haryana Waqf Board.
- While the licensee is entitled to protect its interests through appropriate safeguards such as affidavits and indemnity bonds, outright denial of connection solely on the basis of a pending title dispute appears disproportionate.

- Procedural delay in the CGRF proceedings also requires appropriate redressal.

In the interest of justice, and to balance consumer rights with the legitimate concerns of the licensee and third-party claims, the following interim directions are issued:

1. **Impleadment of Haryana Waqf Board:** The Haryana Waqf Board is hereby impleaded as a necessary party. The Registry shall issue notice to the Board within three (3) days. The Board shall file its detailed written response within fifteen (15) days of service of notice, specifically addressing:
 - The current status and validity of its claim/2019 notice over the subject land;
 - Details of any pending litigation before any Court or Tribunal; and
 - Its specific stance on the grant of electricity connection to the Appellant (without prejudice to its title claims).
2. **Fresh Joint Site Inspection:** The Respondent-SDO, in coordination with the Municipal Corporation Gurugram and a representative of the Haryana Waqf Board (if available), shall conduct a fresh joint physical inspection of the premises within twenty (20) days from the date of this order. The inspection report shall explicitly record:
 - Nature and extent of physical occupation and existing structures;
 - Reconciliation of Lal Dora status vis-à-vis the various verifications on record (Councillor, Namberdar, MCG);
 - Mechanism by which the address H.No. 725, Near Jiya Dairy, Durga Colony has been identified and recognized in official records (UID, Bank Passbook, etc.);
 - Status of electricity supply in the immediate vicinity and details of any similarly placed connections released earlier. A copy of the report shall be provided to the Appellant and this office.
3. **Submissions by the Appellant:** The Appellant shall, within seven (7) days of this order, file:
 - A detailed affidavit affirming the period of continuous physical possession, details of any prior electricity arrangements (if any), and non-suppression of material facts;
 - The duly executed Indemnity Bond (in the prescribed HERC format) indemnifying DHBVN against any claims, losses, or liabilities arising out of the grant of connection due to title disputes.
4. **Clarification by Respondents:** The Respondents shall, after consultation with the Commercial Wing, submit a detailed report within twenty five (25) days addressing:
 - (a) Whether the subject structure falls within the ambit of an “unauthorized colony” or any other category eligible for connection under Sales Circular No. 40 of 2023 dated 02.12.2023, with supporting reasons and policy extracts.
 - (b) The general policy and mechanism adopted by DHBVN to deal with similar cases involving disputed ownership/occupancy in high-value peripheral areas of urban villages.

Both parties shall file their compliance reports within the stipulated timelines. Willful non-compliance shall be viewed seriously and may attract costs.

The matter is posted for final hearing on 08.07.2026 at 11:00 AM. Parties shall file written submissions, if any, at least seven days prior to the next date of hearing.

This interim order is passed without prejudice to the respective rights and contentions of the parties. It shall not be construed as an expression of opinion on the merits of the title dispute, which shall be adjudicated by the competent Civil Court, Revenue Authority, or Waqf Tribunal, as the case may be.

F. On 25.06.2026, appellant has submitted affidavit and indemnity bound in compliance of the interim order which is as under:-

In accordance with Paragraph 3 of the Interim Order, I am enclosing the following documents for your kind consideration:

1. *Affidavit* affirming my continuous physical possession of the premises for more than four years, the details of prior electricity arrangements (if any), and confirming that no material facts have been suppressed.
2. *Duly executed Indemnity Bond* in the prescribed HERC format, indemnifying DHBVN against any claims, losses, or liabilities arising out of the grant of the electricity connection due to any title dispute.

I respectfully request that the enclosed documents may kindly be taken on record and considered for the further proceedings in the above-mentioned appeal.

G. On 08.07.2026, Estate Officer, Haryana Waqf Board, Gurugram has submitted application for short adjournment which is as under:-

The undersigned respectfully submits that the Estate Officer, Haryana Waqf Board, Gurugram, who is required to assist this Hon'ble Ombudsman and place the relevant record on behalf of the Board, is out of station in connection with an official matter before the Hon'ble High Court. Therefore, the Haryana Waqf Board is not in a position to present its reply today.

It is, therefore, most respectfully prayed that a short adjournment may kindly be granted to enable the Haryana Waqf Board to file its reply and assist this Hon'ble Ombudsman.

H. The matter was listed for hearing on 08.07.2026. Both the Appellant and the Respondents were present through Video Conferencing (VC).

During the hearing the Appellant submitted that sufficient time has already been granted to the Respondents. He has filed his detailed position, supporting documents, and requisite judgments. He highlighted that electricity connections have been released in similar situations in the vicinity and that denial solely on title

disputes is not sustainable when occupancy is established and an indemnity bond is furnished.

The Respondent-SDO informed that the final reply will be submitted only after receipt of the joint verification report. The Respondents were directed to confirm the timeline and status of compliance with the directions issued on 01.06.2026, particularly the joint

In the interest of justice and to balance the rights of the consumer with the legitimate concerns of the licensee and third parties, the following directions are issued:

1. **Compliance with Joint Site Inspection:** The Respondent-SDO, in coordination with the Municipal Corporation Gurugram (MCG) and a representative of the Haryana Waqf Board (if available), shall complete the fresh joint physical inspection of the premises and submit a detailed report within **20 days** from today. The report shall specifically address:
 - o Nature and extent of physical occupation and existing structures.
 - o Reconciliation of Lal Dora status vis-à-vis various verifications on record.
 - o Status of electricity supply in the immediate vicinity and details of similarly placed connections released earlier.
 - o A copy of the report shall be provided to the Appellant and this office simultaneously.
2. **Response by Haryana Waqf Board:** The Waqf Board is directed to file its response, if not already filed, within the time stipulated in the earlier order, addressing its claim over the land and its stance on the grant of electricity connection (without prejudice to title claims).
3. **Reply by Respondents:** The Respondents shall examine the Appellant's additional affidavit dated 25.06.2026 and the rejoinder, and file a comprehensive reply within 20 days from today, addressing all contentions raised, including applicability of relevant provisions of the Supply Code, Sales Circulars, and judgments relied upon by the Appellant.
4. **Liberty to Parties:** Both parties may file written submissions, if any, at least seven (7) days prior to the next date of hearing.

The matter is posted for further hearing on 06.08.2026.

- I. On 15.07.2026, Estate Officer of waqf board has submitted compliance in Joint site inspection report reply which is as under:-

It is submitted that there is waqf property bearing Khasra Nos. 136 (08K-00M) 309 (02K-04M) total area measuring 10K-04M situated within the revenue estate of Village Jharsa, Tehsil Wazirabad, Distt. Gurugram which owned by Punjab now Haryana Waqf Board. Copy Gazette Notification and Jamabandi are attached

herewith for your kind reference. This is a waqf property known as graveyard and under the management of Haryana Waqf Board.

The land in question is under encroachment of different persons on the spot and the illegal encroacher are approach to Office of the SDO/OP, Sub Division, Sector-31, DHBVN, Gurugram regarding taking electricity connection without NOC of Haryana Waqf Board. The Department have legal right to remove encroachment on administrative ground any time.

It is requested that the electricity connection may not release in the favour of illegal encroacher and the request of illegal encroacher may kindly be rejected in interest of justice. Report and record as well as objection in joint site inspection is submitted by undersigned for your kind perusal and further necessary action.

J. On 06.08.2026, respondent SDO has submitted compliance report in compliance with the interim order passed on dated 08.07.2026 which is as under:-

1. Compliance with Joint Inspection :

A joint physical inspection of the site was conducted by the officials of the Nigam, the Municipal Corporation Gurugram (MCG), and the Waqf Board. The inspection report is enclosed herewith as Annexure-1.

2. Response of Haryana Waqf Board:

The response received from the office of the Waqf Board is enclosed herewith as Annexure-2 for kind perusal.

3. Verification of Undertaking:

In reference to the undertaking submitted by the appellant, the Area JE has reported that, during the site inspection, approximately 10 -15 no. of temporary tin sheds were found constructed in the vicinity of the appellant's site. Electricity connections to these temporary structures have been existing for a considerable period and appear to have been obtained with the intention of facilitating encroachment. However, no occupancy was found at the questioned premises in during the inspection.

4. Refusal of New Electricity Connection:

The refusal to release a new electricity connection by this office has already been examined by the Circle Consumer Grievance Redressal Forum as well as the Corporate Consumer Grievance Redressal Forum of DHBVN. The matter was decided after considering the relevant provisions of the applicable regulations and the submissions made by this office.

Submitted for kind consideration, please.

मौका रिपोर्ट

उपरोक्त विषय पर आपके कार्यालय के Memo No. 370 dated 09-06-2026 व पत्र क्रमांक No. MCG/TP/2026/8398 dated 01-07-2026 के संदर्भ में।

सन्दर्भित विषय में दिनांक 14.07.2026 को आदेशानुसार वाका मौजा झाड़सा नजदीक जिया डेरी, दुर्गा कालोनी के विवादित मकान का पूर्व सूचना अनुसार बा हमरा श्री हरिश पटवारी, नगर निगम, गुरूग्राम मौके पर पहुँचे। मौका पर श्री धर्मसिंह (SDO) बिजली विभाग, गुरूग्राम व Estate Officer Waqf Board Hatyana Gurugram श्री जमालुदीन हाजिर मिले। उपरोक्त हाजिरान के साथ मौका पर विवादित मकान का मौका निरीक्षण किया गया।

मौका पर ली गई उक्त मकान की GIS Location (Lat.- 28.442126, Long. 77.054092) चैक करने उपरान्त पाया गया कि उक्त मकान मौजा झाड़सा के खसरा नं० 309 में स्थित है जो कि मुताबिक हाल जमाबन्दी साल 2021-22 के अनुसार अराजी मतरूका बिला अलाट व खाना काशत में अहले इस्लाम दर्ज है (प्रति संलग्न)। Waqf Board की तरफ से हाजिर ने मौका पर नोटिफिकेशन व इन्तकाल पेश किये (प्रति संलग्न)। जिसके अनुसार उक्त विवादित भूमि इन्तकाल नम्बर 3914 मंजूर शुदा दिनांक 21.06.88 से पंजाब वक्फ बोर्ड के नाम तब्दील हो चुकी है। जिसका इन्द्राज हाल जमाबन्दी पर नहीं है। यहाँ पर यह भी स्पष्ट किया जाता है कि उक्त विवादित मकान मौजा झाड़सा के लाल डोरा के अन्दर नहीं पड़ती है।

- K.** The matter was listed for hearing on 06.08.2026, pursuant to the interim directions issued vide order dated 08.07.2026. The Appellant appeared physically along with his counsel, while the Respondent-SDO joined the proceedings through Video Conferencing.

At the outset, the Electricity Ombudsman took a stern view of the delayed request submitted by the Respondent-SDO seeking adjournment on the ground of illness. The Respondent-SDO tendered an unconditional apology for the said lapse. Taking note of the apology and in the interest of expeditious disposal, the proceedings were continued.

The Respondents were specifically queried regarding the status of compliance with the directions contained in the interim orders dated 01.06.2026 and 08.07.2026, particularly the fresh joint physical inspection of the premises directed to be conducted in coordination with the Municipal Corporation Gurugram and a representative of the Haryana Waqf Board (if available). The Respondent-SDO submitted that the joint inspection report would be shared on the same day.

The Respondent-SDO shall forthwith share a complete copy of the joint site inspection report with the Appellant as well as with the Haryana Waqf Board. The report shall specifically address the nature and extent of physical occupation and existing structures; reconciliation of Lal Dora status vis-à-vis the various verifications on record; mechanism of identification of the address in official records; and status of electricity supply in the immediate vicinity along with details of any similarly placed connections released earlier, as directed earlier.

The counsel for the Appellant is requested to file a rejoinder, if any, on or before 14.08.2026, so that the matter may be finally adjudicated without further delay.

Both parties, including the representative of the Haryana Waqf Board, are directed to remain available either through Video Conferencing or physically on the next date of hearing. No further adjournment on any ground shall be entertained.

This interim order is passed without prejudice to the respective rights and contentions of the parties. It shall not be construed as an expression of opinion on the merits of any title dispute, which shall be adjudicated by the competent Civil Court, Revenue Authority, or Waqf Tribunal, as the case may be.

The matter has already suffered considerable delay. In the interest of justice and to ensure that the proceedings attain finality after proper adjudication, the appeal is posted for further hearing on 28.08.2026.

- L.** The matter was taken up for hearing on 27.08.2026 as scheduled. The counsel for the Appellant and the Respondent-SDO appeared physically, while the Appellant and the Estate Officer of the Haryana Waqf Board joined the proceedings through Video Conferencing.

At the outset, the Electricity Ombudsman enquired whether the Appellant and his counsel had received a copy of the joint site inspection report prepared by the Respondents in compliance with the earlier directions. Both confirmed receipt of the report. The Appellant thereafter contended that electricity connections had been released to other dwelling units in the vicinity and, on the principle of parity, a connection ought to be sanctioned in his favour as well. The Estate Officer of the Haryana Waqf Board strongly opposed the release of any connection, asserting that the land stands encroached upon by the Appellant. In response, the Appellant submitted that the Waqf Board ought to institute appropriate civil proceedings, to which the Estate Officer of Waqf informed that the said aspect is already under active consideration by the competent authority.

The Respondent-SDO clarified that the connections relied upon by the Appellant had been unauthorizedly shifted from their earlier locations and they are facing problems in identifying the original sites due to the highly congested nature of the area and that the claim for release of connection on the same footing as temporary tin-shed structures is not tenable. Counsel for the Appellant placed reliance on the judgment of the Hon'ble Punjab and Haryana High Court in *Mobin Ansari*, contending that the Appellant is entitled to the electricity connection and that any grievance of the Waqf Board may be agitated by it in appropriate proceedings for eviction. The Appellant further asserted that he is the owner of the premises, exercises control over the entry and exit points, is in physical possession as an "occupier", and therefore has a legitimate right to the connection. He also stated that in the event of an adverse decision, he would challenge the same before the higher forum and implead additional parties.

When Electricity Ombudsman specifically queried regarding any document establishing ownership or title—such as a sale deed, lease deed, mutation (*intaka*), or other relevant instrument—the Appellant reiterated that he is in possession of the land and claims ownership thereof.

Decision

1. The Appeal

1.1 The present appeal has been preferred under Regulation 2.53 of the Haryana Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2020 (as amended from time to time), assailing the order dated 13.04.2026 passed by the Consumer Grievances Redressal Forum, DHBVN, Gurugram in Case No. 5019/2026, whereby the Appellant's grievance seeking release of a new domestic electricity connection at premises situate behind Plot No. 669, Sector-39, Village Jharsa, Gurugram (also described as H.No. 725, near Jiya Dairy, Sector-39, Village Jharsa, Gurugram) (hereinafter "the premises in question") was declined.

2. Factual Background

- 2.1 The Appellant applied to the Respondent-SDO for release of a new domestic electricity connection at the premises in question, claiming to be in actual, continuous, peaceful and uninterrupted possession thereof for more than four years, and submitting an Affidavit and Indemnity Bond in support of his application.
- 2.2 The application was rejected by the Respondents principally on the ground that the Appellant had not furnished any document evidencing ownership or lawful occupancy of the premises — no sale deed, lease deed, or other title document accompanies the application.
- 2.3 Aggrieved, the Appellant approached the CGRF, DHBVN, Gurugram (Case No. 5019/2026). The Forum, after affording the parties sufficient opportunity of hearing, dismissed the complaint vide order dated 13.04.2026, holding that the refusal of connection was justified in the absence of ownership/occupancy documentation. The Appellant's subsequent approach to the Corporate CGRF met the same result.
- 2.4 Aggrieved thereby, the Appellant has preferred the present appeal, invoking Section 43 of the Electricity Act, 2003, Article 21 of the Constitution of India, the 3rd Amendment (2023) to the HERC (Electricity Supply Code) Regulations, 2014, and DHBVN Sales Circular No. D-40/2023, contending that electricity is an essential service and that an occupier cannot be denied supply merely for want of title documents, particularly upon furnishing of an affidavit and indemnity bond.

3. Proceedings before this Forum

3.1 In view of the competing claims — including the claim of a third party, the Haryana Waqf Board, over the land in question — this Forum, vide interim order dated 01.06.2026, issued the following directions in the interest of justice and to balance consumer rights with the legitimate concerns of the licensee and third-party claims:

- (i) the Haryana Waqf Board was impleaded as a necessary party and directed to file its written response within 15 days;
- (ii) a fresh joint physical site inspection was directed to be conducted by the Respondent-SDO in coordination with the Municipal Corporation, Gurugram and a representative of the Haryana Waqf Board within 20 days, recording inter alia the nature and extent of physical occupation and existing structures, the reconciliation of the 'Lal Dora' status vis-à-vis verifications on record, the mechanism of identification of the address in official records, and the status of electricity supply in the immediate vicinity including similarly placed connections released earlier;
- (iii) the Appellant was directed to file, within 7 days, a detailed affidavit of possession together with a duly executed Indemnity Bond in the prescribed format; and
- (iv) the Respondents were directed to submit, within 25 days, a report clarifying whether the structure falls within the 'unauthorised colony' category contemplated by Sales Circular No. D-40/2023 and their policy for disputed occupancy.

3.2 Vide interim order dated 08.07.2026, noting that the joint verification was yet to be completed and that the Haryana Waqf Board (whose Estate Officer was out of station before the Hon'ble High Court) had sought time, this Forum granted a further 20 days for completion of the joint inspection and for filing of responses, and posted the matter for 06.08.2026.

3.3 On 06.08.2026, this Forum took note of the joint site inspection report placed on record by the Respondents, directed that a complete copy thereof be shared forthwith with the Appellant and the Haryana Waqf Board, permitted the Appellant to file a rejoinder by 14.08.2026, and directed all parties — including the representative of the Haryana Waqf Board — to remain present on the next date. It was specifically recorded that the interim directions were passed without prejudice to the rights and contentions of the parties and shall not be construed as an expression of opinion on the merits of any title dispute, which falls within the domain of the Civil Courts, Revenue Authorities and the Waqf Tribunal.

3.4 All directions have since been complied with. The joint site inspection report, the reply of the Haryana Waqf Board, the Appellant's affidavit and indemnity bond dated 25.06.2026, his rejoinder dated 31.05.2026, and the written submissions of the parties are on record. The matter was heard at length and is now taken up for final disposal.

4. Findings of the Joint Site Inspection Report

4.1 The joint physical inspection — conducted by the Respondent-SDO in coordination with the Municipal Corporation, Gurugram and the representative of the Haryana Waqf Board, and shared with all parties — records, inter alia, that:

- (i) approximately 10-15 temporary tin-shed structures exist in the vicinity of the Appellant's site, to which electricity connections have existed for a considerable period, and which, on the assessment of the inspecting team, appear to have been obtained with the intention of facilitating encroachment;
- (ii) at the time of inspection, no actual occupation was found at the Appellant's premises — a finding which stands corroborated by the Appellant's own affidavit dated 25.06.2026, wherein he states that the house "remains locked and vacant, except that some personal belongings are kept therein," the family having shifted elsewhere for want of electricity; and
- (iii) the report substantiates that the land on which the structure stands is under encroachment.

5. Submissions of the Haryana Waqf Board

5.1 The Haryana Waqf Board — the principal party claiming ownership — has filed its response along with the Gazette Notification dated 21.11.1970 and the Jamabandi (revenue record), and has submitted that:

- (i) Waqf property bearing Khasra Nos. 136 (8K-0M) and 309 (2K-4M), measuring in total 10K-4M, situate within the revenue estate of Village Jharsa, Tehsil Wazirabad, District Gurugram, is owned by and under the management of the Haryana Waqf Board;
- (ii) the said property is recorded in the revenue record as a graveyard (qabristan);
- (iii) the land is under encroachment by different persons, who are approaching the office of the SDO/OP, Sub Division, Sector-31, DHBVN, Gurugram for electricity connections without any No Objection Certificate from the Board; and

- (iv) the Board, as the principal owner, expressly opposes the release of any electricity connection at the premises in question and reserves its right to initiate action for removal of encroachment in accordance with law.

6. Submissions of the Appellant

6.1 The Appellant, appearing with counsel, has urged that:

- (i) Section 43(1) of the Electricity Act, 2003 obliges a distribution licensee to supply electricity, on application, to the “owner or occupier” of any premises; ownership is therefore not the sole criterion, and the Appellant applies as an occupier;
- (ii) the SDO, the CGRF and the Corporate CGRF decided the matter solely on the non-submission of a sale deed, without examining his occupancy rights or supporting documents, namely his Aadhaar Card, Bank Passbook, Ward Member Verification Certificate, Affidavit and Indemnity Bond;
- (iii) the 3rd Amendment to the HERC (Electricity Supply Code) Regulations, 2014 and DHBVN Sales Circular No. D-40/2023 expressly permit release of connections to persons residing in unauthorised colonies/slums without insisting on ownership/legal occupancy proof, against an affidavit and indemnity bond, which the Appellant has furnished;
- (iv) electricity is a basic necessity, and access thereto partakes of the right to life under Article 21 of the Constitution; similarly placed connections exist in the vicinity; and
- (v) the release of connection creates no ownership rights in his favour and prejudices no one.

6.2 It is, however, an admitted position that the Appellant has not produced any document — sale deed, lease deed, rent agreement, allotment letter or any other instrument — by which it could be inferred that the land parcel on which the structure stands pertains to him or his family, or that his possession has any lawful origin.

7. Submissions of the Respondents

7.1 The Respondents have defended the refusal on the grounds that the premises in question are an unauthorised construction on land recorded as Waqf/graveyard property; that the joint inspection found no subsisting occupation at the site; that the connections existing in the vicinity relate to temporary tin sheds which themselves appear to have been obtained to facilitate encroachment and can therefore furnish no legitimate parity; and that the refusal has already been examined and upheld by both the Circle CGRF and the Corporate CGRF.

8. Issues for Determination

8.1 On the pleadings and material on record, the following questions fall for determination:

- (i) Whether the Appellant, on the material available, qualifies as an “occupier” entitled to invoke the duty to supply under Section 43(1) of the Electricity Act, 2003;
- (ii) Whether the benefit of the 3rd Amendment to the HERC (Electricity Supply Code) Regulations, 2014 and Sales Circular No. D-40/2023 — release of connection without ownership/occupancy proof in unauthorised colonies/slums — can be extended to a structure standing on land which, on the unrebutted documentary record, is notified Waqf property recorded as a graveyard, whose owner expressly opposes the connection on the ground of encroachment; and
- (iii) Whether the invocation of Article 21 of the Constitution entitles the Appellant to a connection over land which the principal owner itself declares to be encroached.

9. Analysis and Findings

9.1 Scope of this Forum’s jurisdiction. At the threshold, this Forum reiterates what was recorded in the interim order dated 06.08.2026: the question of title over the land in question lies exclusively within the domain of the Civil Courts, the Revenue Authorities and the Waqf Tribunal. This order decides only the limited question of the Appellant’s entitlement, in consumer jurisdiction, to the release of an electricity connection, and shall not be read as an adjudication of title in favour of or against any party.

9.2 Issue (i) — “Occupier” under Section 43. Section 43(1) of the Electricity Act, 2003 casts a duty on the distribution licensee to give supply “on an application by the owner or occupier of any premises.” The expression “occupier” is not, however, a synonym for any person who erects a structure on land. It connotes a person whose physical possession is actual, subsisting and not shown to be unauthorised at the instance of the person entitled to the land. In the present case:

- (a) the Appellant’s occupation is not subsisting — by his own sworn affidavit the premises lie locked and vacant, and the joint inspection found no occupation at the site;
- (b) against the Appellant’s bare assertion of possession stands the unrebutted documentary record — the Gazette Notification dated 21.11.1970 and the Jamabandi — establishing the land as Waqf property recorded as a graveyard, coupled with the categorical

objection of the Waqf Board that the Appellant is an encroacher holding no NOC from the Board; and

- (c) the Appellant has produced no document whatsoever tracing any lawful origin of possession, nor any lease or licence from the Waqf Board or any authority.

In these circumstances, the Appellant has failed to establish, even on the threshold of probability required in consumer proceedings, the status of an “occupier” within the meaning of Section 43(1). The statutory duty to supply is a duty owed to lawful applicants, not an instrument to energise constructions whose very foundation is, on the face of the record, unauthorised.

- 9.3 Issue (ii) — Applicability of the 3rd Amendment and Sales Circular D-40/2023. The 3rd Amendment to the HERC (Electricity Supply Code) Regulations, 2014 inserted the following provision below clause 4.4.1(5):

“That facility of electricity connection may be provided to those who are residing in un-authorized colonies/Slums without insisting on ownership/legal occupancy proof; Provided further, release of electricity connection shall not in any way confer upon the consumer any lawful ownership/legal occupancy rights on the property...”

Sales Circular No. D-40/2023 operationalises this provision, prescribing the affidavit (Annexure-I), the indemnity bond (Annexure-II) and the separate billing code ‘3NOP’ for such connections.

Three features of this scheme are decisive. First, the provision is enabling, not mandatory — it says the facility “may” be provided; it does not create an indefeasible right in every applicant. Secondly, it is addressed to persons “residing” in unauthorised colonies and slums — a welfare measure intended to secure basic amenities to residents of such settlements, not a device to legitimise or service fresh encroachments upon identified public or Waqf land. The Appellant, on his own showing, is not residing at the premises. Thirdly, the regulatory dispensation relaxes the requirement of documentary proof of occupancy; it does not authorise supply where there is positive, un rebutted evidence that the land belongs to a statutory body, is recorded as a graveyard, is under encroachment, and the owner itself opposes the connection. To read the Circular as compelling a connection in such circumstances would convert a welfare measure into an instrument for entrenching encroachment upon land dedicated to a religious and public purpose — an interpretation the regulation cannot bear.

The Appellant’s reliance on connections existing in the vicinity is equally unavailing: the joint inspection records that those connections pertain to 10-

15 temporary tin sheds and themselves appear to have been obtained to facilitate encroachment. Illegality or irregularity committed in favour of others cannot be a foundation for claiming parity; equal treatment cannot be claimed in illegality. Rather, those connections warrant examination by the licensee itself, as directed hereinafter.

- 9.4 Issue (iii) — Article 21. This Forum does not dispute that access to electricity, as an essential attribute of a dignified life, has been recognised by the Hon’ble Courts as incident to Article 21 of the Constitution. But no fundamental or statutory right is absolute; each is subject to law and to the corresponding rights of others. The right to electricity is a right to seek supply through lawful means for premises lawfully occupied; it is not a right to draw public infrastructure onto land which the recorded owner declares to be encroached, and which stands notified as a graveyard. Article 21 cannot be invoked to secure, at public cost, an amenity for a structure raised without any NOC or lawful authority, in derogation of the legitimate rights of the Waqf Board and of the sanctity attaching to the recorded purpose of the land. Electricity may well be a fundamental entitlement of every citizen — but not at the cost of the legitimate rights of another, and not as a premium upon encroachment.
- 9.5 The indemnity bond does not cure the defect. The indemnity bond and affidavit contemplated by the Circular protect the licensee against future claims; they do not and cannot create the underlying entitlement. Where the threshold conditions — residence and the absence of positive disqualifying material — are not met, the tendering of an indemnity bond is of no avail.
- 9.6 The ratio of *Mobin Ansari v. PSPCL* (CWP-13439-2022) is wholly inapplicable to the present case. In *Mobin Ansari* the Hon’ble Punjab and Haryana High Court recognised the right of an “occupier” under Section 43 of the Electricity Act, 2003 only where the applicant was in continuous, long-standing and documented possession of a residential premises arising from a private family settlement, expressly holding that supply is “without prejudice to the owner’s right to have an order of eviction” and that the petitioner was not a rank trespasser.

By contrast, Sh. Prince Saini asserts bare physical possession over land that the Estate Officer of the Waqf Board has categorically objected to as encroached Waqf property; no sale deed, lease, Intakal or other instrument establishing lawful induction has been produced despite opportunity. The judgment itself confines its observations to the limited context of a private residential dispute and does not extend the status of “occupier” to a person whose occupation is under active challenge as unauthorised encroachment on Waqf land.

Thus the forum is of considered view that to apply *Mobin Ansari* here would distort its ratio and convert a protective direction into a tool for regularising

encroachment—an outcome neither contemplated nor authorised by the decision.

- 9.7 It was observed that the appellant seeks to build his case on the premise of “might is right” and appears intent on converting the judicial process into a test of endurance rather than one of fairness. He has invested capital in constructing a house on land belonging to the Waqf Board, yet has failed to produce any document to establish his status as a legitimate occupant.

10. Conclusions

- 10.1 On a cumulative appreciation of the Gazette Notification dated 21.11.1970, the revenue record, the reply of the Haryana Waqf Board, the findings of the joint site inspection report, and the absence of any document of title, lease or lawful occupation from the Appellant, this Forum concludes, beyond reasonable doubt for the limited purposes of these proceedings, that the premises in question constitute an encroachment upon Waqf land recorded as a graveyard, raised without any NOC or authority, and that the Appellant does not qualify as an “occupier” entitled to supply under Section 43 of the Electricity Act, 2003, nor merits the discretionary benefit of the 3rd Amendment to the Supply Code and Sales Circular No. D-40/2023.
- 10.2 The order dated 13.04.2026 passed by the CGRF, DHBVN, Gurugram in Case No. 5019/2026 accordingly suffers from no infirmity warranting interference.

11. Order and Directions

In view of the foregoing, the appeal is dismissed, with the following directions and observations:

- (i) The order dated 13.04.2026 passed by the CGRF, DHBVN, Gurugram in Case No. 5019/2026 is upheld.
- (ii) The Respondents shall not release any electricity connection, whether temporary, permanent or under code ‘NOP’, at the premises in question without the prior No Objection Certificate of the Haryana Waqf Board or a final order of a competent Civil Court / Waqf Tribunal.
- (iii) The Respondents shall, within 60 days, examine the antecedents of the existing electricity connections serving the 10-15 temporary tin-shed structures identified in the joint inspection report as appearing to facilitate encroachment or if the connections have been unauthorizedly being shifted from original location as informed during hearing on 27.08.2026 by respondent SDO and take appropriate action thereon strictly in accordance with the provisions of the Electricity Act, 2003 and the Supply Code, after due notice. The Respondents shall also continue to apprise the concerned authorities, including the Municipal Corporation, Gurugram and the

Haryana Waqf Board, of such connections in terms of the monthly reporting mechanism prescribed under Sales Circular No. D-40/2023.

- (iv) Nothing in this order shall be construed as an expression of opinion on the title to the land in question, which the parties are at liberty to agitate before the competent Civil Court, Revenue Authority or Waqf Tribunal. The Appellant is likewise at liberty to apply afresh for a connection upon producing a lawful title, lease, or NOC of the Haryana Waqf Board, or upon regularization of the colony by the competent authority, whereafter the Respondents shall process such application in accordance with law.

A copy of this order be sent to the Appellant, both Respondents, the CGRF DHBVN Gurugram, and the Estate Officer, Haryana Waqf Board, Gurugram, for information and compliance.

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 02.09.2026.

Dated:02.09.2026

Sd/-
(Rakesh Kumar Khanna)
Electricity Ombudsman, Haryana

CC:

Memo No.2081-89/HERC/Appeal No. 15/2026

Dated:02.09.2026

To

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