

BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND-RANCHI
(2nd floor, Sainik Market, Main Road, Ranchi – 834001)

Present - Nalin Kumar
Electricity Ombudsman

Dated – Ranchi, the 17th day of July’ 2026

Appeal No. EOJ/10 of 2024

Punit Kumar Sharma aged about 64 years S/O Late Baijnath Sharma R/O 136, Sanjay Road, SNP Area, P.O. and P.S. Sakchi, District East Singhbhum, Jamshedpur- 831001, Jharkhand.

..... Appellant

Versus

1. Vikram Sharma, S/O Late Dilip Kumar Sharma
2. Anita Sharma D/O Late Dilip Kumar Sharma
3. Anuradha Sharma D/O Late Dilip Kumar Sharma

All R/O 136, Sanjay Road, SNP Area, P.O. and P.S. Sakchi, District East Singhbhum, Jamshedpur- 831001, Jharkhand.

4. Nodal Officer, Tata Steel Ltd. Jamshedpur- 831001 also having Registered Office at Bombay House, Homi Modi Street, Mumbai- 400001.

..... Respondent(s)

For the Appellant : Mr. Shio Narayan Singh, Adv.
: Mr. Punit Kumar Sharma
For Respondent : Mr. D.K.Pathak, Adv.
: Mr. Shashi Kant Mishra, Adv.
: Mr. Bibaswan Das, Deputy Manager
(Legal)

(Arising out of Judgement/Order passed in Case No. CGRF/TSL/01/24 dated 13.08.2024 by the Ld. Electricity Consumer Grievance Redressal Forum, Tata Steel, Jamshedpur and order dated 08.02.2024 passed by the Ld. Electricity Consumer Grievance Redressal Forum, Tata Steel, Jamshedpur in Misc/CGRF/TSL/12/18)

J U D G E M E N T

1. The present appeal has been preferred on behalf of the petitioner/appellant against the order passed by learned CGRF, Tata steel limited, Jamshedpur on 13.8.2024 in CGRF/TSL/01/24 as well as the order dated 8.2.2024 passed by CGRF, Tata Steel Limited in MISC./CGRF/TSL/12/18.

Appellant's Case

2. Brief factual background which led to filing of the complaint by the appellant against private respondent 1 to 3 as well as distribution licensee Respondent No. 4 is that Respondent No. 4 has been alleged to have granted electric connection in the name of father of Respondent No. 1 to 3, based on no objection document issued under the forged signature of appellant's father. It is alleged that the private respondent obtained a parallel electric

connection in the property owned by the appellant and his brothers. Based on the said connection, they tried to dispossess the appellant who is the bonafide owner and the possessor of the property. This issue has been answered by learned Civil Judge Sr. Division- III, Jamshedpur in OS No. 27 of 2021 filed by the private respondents wherein the court has categorically held that respondent No. 1 to 3 have no right, title or interest in the property bearing address 136, Sanjay Road, SNP Area, Sakchi, Jamshedpur- 831001. The above property was allotted in the name of Misri Lal Sharma, who had three sons namely Late Baijnath Sharma, Late Dinanath Sharma and Late Hari Lal Sharma. Appellant's father Late Baijnath Sharma got the property vide a will dated 23.07.1970 from his father Misri Lal Sharma, who is grandfather of the appellant. The will was probated vide order dated 24.5.1983 passed in Probate Case No. 143 of 1982. Subsequently Land Officer, TISCO, Jamshedpur vide mutation Letter No. TAL/KGA/S/M.50/1678/86 dated 16.4.1986 got the property mutated in the name of appellant's father, Late Baijnath Sharma.

3. Appellant's brother filed a partition suit registered as OS No. 70 of 2021 and based on a joint compromise a partition decree was passed dividing the property in the name of appellant and his three brothers. Meanwhile father of Respondent No. 1 to 3 Dilip Kumar Sharma and his brother Ratan Kumar Sharma filed a suit for partition registered as OS No. 27 of 2021 which was contested and dismissed. In the same suit it was also decided that the appellant and three other sons of Late Baijnath Sharma are the only bonafide owners of House No. 136, Sanjay Road, SNP Area, Sakchi, Jamshedpur. Respondent No. 1 to 3 have no right, title or interest qua the suit property.

4. Mr. Ratan Kumar Sharma filed a Revocation Case No. 21 of 2022 against the probate granted in 1983 but the same was dismissed. Father of Respondent No. 1 to 3 obtained a parallel electric connection which was disconnected by Respondent No. 4 after receiving a letter dated 10.10.2007 by the local police intimating about the forgery done. Ten years after the disconnection father of Respondent No. 1 to 3 filed a complaint before learned CGRF, Tata Steel, Jamshedpur registered as CGRF/TSL/02/18 which the appellant was not made a party and learned Forum below without issuance of notice to the actual owner of the property and without considering the submission of the distribution licensee Respondent No. 4 decided the issue of joint ownership of the petitioner and directed restoration of the electric connection in his favour vide order dated 16.5.2018.

5. The moment this appellant came to know about the said order passed behind his back he filed a review petition before the learned Forum below registered as Misc./CGRF/TSL/12/18 which was dismissed on the ground of want of jurisdiction vide order dated 8.2.2024. Meanwhile the appellant has also approached High Court by filing WP No. 3040 of 2023 for appointment of members in the Forum/Commission and a speedy disposal of his case in which the Hon'ble Court vide order dated 15.12.2024 directed the learned Forum below to hear expeditiously a fresh complaint filed by the appellant bearing No. CGRF/TSL/01/2024. The above said complaint was dismissed by the learned Forum below vide order dated 16.08.2024 holding that the complainant does not fulfill the definition of complainant under the regulation and this complaint is barred by the principle of res judicata, as same issue has already been decided in CGRF/TSL/12/18.

Case of Respondents 1 to 3

6. Case of Respondent No. 1 to 3 as mentioned in the written submission before the learned Forum below is as follows :

i) The complaint petition filed by the petitioner/appellant is not maintainable as he does not fulfill the ingredients of Regulation 2(e) read with Section 08 and 09 of JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020 and therefore this case is fit to be dismissed on the ground of non-maintainability. The electric connection provided to the private respondents was granted after full inspection and enquiry under the provision of law, as per the order dated 16.05.2018 passed in Case No. CGRF/TSL/02/18. The said electric connection was granted to the father of Respondent No. 1 to 3 in his allotted share in the premises and did not cause any prejudice to the appellant. Filing of a criminal complaint case C1/1271/2008 has no relevance for adjudication of the instant case. The electric connection in favour of private respondents is bonafide and has been granted after compliance of Sec. 42 and 43 of the Electricity Act 2003. The review petition filed by the appellant earlier was dismissed on 16.5.2018 on the ground of non-maintainability. Electricity is a basic human and fundamental right which cannot be withdrawn.

Case of Respondent No. 4

7. The distribution licensee has mentioned in its written submission as well as counter affidavit before this appellate forum is as follows :

i) One Dilip Kumar Sharma (Father of Respondent No. 1 to 3) has filed a case before learned Forum below CGRF/TSL/02/2018 on 5.2.2018 for electric connection at House No. 136, Sanjay Road, SNP Area, Sakchi in which this respondent was also a party respondent. In that case in the written submission filed on its behalf the prayer for grant of fresh electric connection to the complainant therein, Dilip Kumar Sharma was opposed on the ground that he does not fulfill the requirement of Clause 5.4 and 5.5.8 of JSERC (Electricity Supply Code) 2015 and therefore is not entitled to separate electric connection. Despite the said objection the learned CGRF vide final order dated 16.5.2018 directed this respondent to provide electric connection and in compliance thereof electric connection was provided to Dilip Kumar Sharma on the said address vide BP No. 0010091877. The present petitioner/appellant Punit Kumar Sharma was not made respondent or opposite party by the private respondents in the above said case.

ii) The appellant herein earlier filed a review petition on 4.10.2018 vide Case No. Misc./TSL/12/18 against the order dated 16.5.2018 passed in Case No. CGRF/TSL/02/18, which was dismissed by learned CGRF vide order dated 8.2.2024. The present petition does not disclose any grievance against this respondent and the petitioner is also not covered by the definition of the complainant as mentioned in regulation 2(d)(i) of JSERC(Guidelines for Establishment of Forum for Redressal of Grievances of Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020. Similarly ingredient of 2(e) defining defect or deficiency is also not fulfilled. In view of the fact that electric connection to the private respondents was installed on the order of learned lower Forum. The learned lower Forum

therefore in the impugned order has rightly dismissed the appellant's petition.

Submission on behalf of the parties:

8. Heard Mr. S.N.Singh, learned Senior counsel for the appellant who highlighted that the learned Forum below has erred in dismissing the appellant's case on the ground of Res Judicata, as the proceeding before Forums constituted under Electricity Act, 2003 and regulations made thereunder are primarily guided by principles of Natural Justice and provisions of Code of Civil Procedure are not applicable strictly. It is submitted that the law is well settled that fraud vitiates everything and any order procured by suppressing material facts, submitting documents manufactured by forged signature and by omitting to implead the necessary party in the proceeding is fit to be rejected and shall be treated as *non est*. Learned counsel highlighted the predicament of the appellant against whom an order was procured from the learned lower Forum behind his back, by not arraying him as a party respondent despite him being the necessary party dismissed the review filed by him for want of such provisions in the statute. Ironically, the same forum below, when approached afresh by the appellant, had passed the order impugned, dismissing his case on the grounds of Res Judicata and not fulfilling the definition of "complainant and deficiency" as per the relevant regulations. It is submitted that the appellant, despite having a cause, has been left remediless, despite having approached firstly in review jurisdiction and subsequently under the original jurisdiction of learned Forum below. Learned counsel also propounded the legal maxim "Nobody shall be allowed to take benefit of his own wrong"; and adds that the private respondents have been allowed to take benefit of the wrong committed by

them, in as much as, they are enjoying the benefit of not making the appellant respondent in the petition filed by them before the learned forum below, despite him being the necessary party.

9. Heard Mr. D.K.Pathak, learned advocate on behalf of Respondent No. 4 assisted by Mr. Bibaswan Das, Deputy Manager (Legal). Learned counsel fairly submits that being the distribution licensee Respondent No. 4 is duty bound to abide by the direction passed by the learned CGRF, Tata Steel Limited, Jamshedpur and by extending electric connection to Mr. Dilip Kumar Sharma, father of Respondent No. 1 to 3, it had complied the direction dated 05/2018 passed in CGRF/TSL/02/18. It is reiterated that before the learned lower forum in case No. CGRF/TSL/02/18 in its written submission has pointed that Mr. Dilip Kumar Sharma did not fulfill the requirement of Clause 5.4 and 5.5.8 of the JSERC Electricity Supply Code of 2015 was also raised arguing that he was not entitled to separate electric connection in his name, despite that the learned Forum below passed order dated 16.5.2018 in favour of Mr. Dilip Kumar Sharma which was complied with by the answering respondents. The appellant did not have any grievance against this respondent and it will abide by the direction passed.

Despite multiple adjournments given nobody appeared on behalf of respondent No. 1 to 3 to argue the matter.

Discussion and Findings:

10. After marshalling the factual aspects of the present appeal the following facts appear either to be admitted or not disputed being matter of record.

- i) The property/premises in question House No. 136, Sanjay Road, SNP Area, Sakchi, Jamshedpur 831001 was initially allotted and recorded in the name of Mishri Lal Sharma, who had three sons, Baidnath Sharma, Dinanath Sharma and Harilal Sharma.
- ii) The appellant's father, Baidnath Sharma, got the property vide a will of Mishri Lal Sharma dated 23.6.1970, after it was probated and decreed vide order dated 24.5.1983 in Probate Case No. 143/1982. Subsequently vide Mutation Letter No. TAL/KGA/S/M.50/1678/86 dated 16.4.1986 of Land Officer, TISCO, Jamshedpur this property was mutated in the name of Baijnath Sharma.
- iii) Father of Respondent No. 1 to 3 sons of Late Dilip Kumar Sharma alongwith one other, filed a partition suit regarding this property OS No. 27/2021 which was contested and dismissed.
- iv) In OS No. 70 of 2021 this property was mutually partitioned amongst the appellant and his three brothers, all sons of Late Baijnath Sharma vide Judgement and decree passed by learned Civil Senior Judge III, Jamshedpur.
- v) After 39 years of grant of probate, Revocation Case No. 21/2022 was filed by Ratan Kumar Sharma challenging the probate will dated 23.7.1970 of Mishri Lal Sharma, the probate whereof was granted in 1983, but the same was dismissed.
- vi) After filing of a complaint case and against father of the Respondent No. 1 to 3 alleging that he had procured an electric connection in his name by forging the signature of the appellant' father in the No Objection, on the basis of letter sent by the police officer. Respondent No. 4 disconnected the electricity in the year 2007.

vii) More than 10 years after this disconnection Respondent No. 1 to 3 preferred Complaint Case No. CGRF/TSL/02/2018 on 5.2.2018 seeking fresh electric connection, without impleading the appellant and suppressing the fact that earlier connection was disconnected on the request of a police officer informing that cognizance has been taken on a complaint regarding submission of the documents bearing forged signature of Late Baijnath Sharma.

viii) The distribution Licensee Respondent No. 4 had pointed out before the learned forum below that the petitioner/appellant in CGRF/TSL/02/2018 was not fulfilling the requirements of Clause 5.4 and 5.5.8 of JSERC Electricity Supply Code, 2015 the learned Forum below passed an order directing the service provider to grant fresh electric connection in favour of father of Respondent No. 1 to 3.

ix) Review Petition Case No. Misc./CGRF/TSL/12/18 preferred by the appellant before the learned lower forum was dismissed, vide order dated 8.2.2024 by the learned lower forum on the ground that in absence of any specific provision for review, the forum did not have the jurisdiction to entertain that review.

x) Fresh complaint preferred by the appellant registered as CGRF/TSL/01/24 was dismissed by learned Forum below vide order dated 13.8.2024 mainly on the ground of Res Judicata and the appellant not fulfilling the ingredients of the definition of the complainant.

11. Having catalogued the admitted factual position above referred, now let us consider mixed questions of fact and law. It is well settled proposition of law that “Fraud vitiates everything” and nothing procured on the basis of

fraud committed by any party shall be permitted to be of any help in any manner whatsoever. Reference in this regard can be made to the latest Supreme Court judgement:

Vishnu Vardhan vs. State of Uttar Pradesh & Ors. decided on 23 July 2025 wherein another judgement Nidhi Kaim & Anr. Vs. State of M.P. & Ors. (2017) (4) ACC 1 has been quoted, “Nothing...nothing...nothing, obtained by fraud can be sustained, as fraud unravels everything”.

The apex court in another judgement S.P.Chengalvaraya Naidu Vs. Jagannath (1994) 1 ACC 1 has held that “Fraud avoids all Judicial Acts, ecclesiastical or temporal”. It is the settled proposition of law that a judgement or decree obtained by playing fraud on the court is nullity and non est in the eyes of law. Such a judgement or decree by the first court or the higher court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings”.

12. Even in the absence of the ground of playing fraud by submitting documents with forged signature, the admitted fact is that Father of Respondent No. 1 to 3, who was the original complainant in Case No. CGRF/TSL/02/18 had deliberately not impleaded the appellant despite knowing well that he is a necessary party and had procured the order from the Forum below by suppressing a very material fact of the case. He also did not disclose that 10 years earlier on the basis of a report from the police arising out of a fraud case filed against him, his electric connection was disconnected. Over and above it is the consistent case of respondent

Distribution Licensee that father of Respondent No. 1 to 3 Mr. Dilip Kumar Sharma did not fulfill the requirement of Clause 5.4 and 5.5.8 of JSERC Supply Code Regulation, 2015 and therefore is not entitled to a separate electric connection.

13. The learned Forum below had discussed the review petition filed by the appellant as Misc./CGRF/TSL/12/18 on the ground that the regulation does not provide for review and therefore it did not have the jurisdiction; but quite surprisingly one of the grounds mentioned while dismissing the fresh application filed by the appellant, CGRF/TSL/01/24 learned Forum below has taken the plea of Res Judicata, holding that the issue has already been decided by it earlier. It is surprising as to how the learned Forum below failed to appreciate that the appellant despite being the necessary party has not been heard even once and an order against his interest has been passed behind his back. Apparently this violates the basic Principle of Natural Justice that nobody could be condemned unheard. It is well settled that while provisions of CPC are not applicable in the proceedings of the forum in strict sense of terms, the Principle of Natural Justice has to be followed in letter and spirit. Evidently the same has been violated repeatedly in the present case.

14. As regards the principle that even a trespasser has got a right to life, which includes a decent life including right to enjoy the electric connection; this forum underlines the fact that while the earlier electric connection of the private respondents was disconnected way back in the year 2007, their father preferred to file a complaint case for fresh electric connection 11 years thereafter in the year 2018. This goes to suggest that they were comfortable and had no grievance even in absence of separate electric connection.

However in the present case the appellant has filed an undertaking that he would not disrupt the electric supply to the private respondent No. 1 to 3, provided they pay for it. In view of this Forum, this undertaking is sufficient for taking care of the rights of the private respondents.

15. In view of the discussion above made, order dated 13.8.2024 passed by CGRF, Tata Steel Limited in CGRF/TSL/01/2024 is set aside and it is held that learned lower forum has erred in directing Respondent No. 4 providing connection to predecessor of Respondent No. 1 to 3 vide order dated 5.2.2018 passed in CGRF/TSL/02/2018, despite the fact that the applicant therein Dilip Kumar Sharma did not fulfill the requirement of the Clause 5.4 and 5.5.8 of JSERC (Electricity Supply Code) Regulation, 2015.

It is therefore ordered:

- i) Respondent No. 4, the distribution licensee is directed to disconnect the electric connection BP No. 0010091877 given to predecessor and father of Respondent No. 1 to 3 namely Dilip Kumar Sharma in terms of order dated 16.5.2018 passed in CGRF/TSL/02/2018.
- ii) The appellant shall abide to the undertaking given before this forum.

Let a copy of this order be sent to the learned CGRF, Tata Steel Limited, Jamshedpur as well as all the parties.

Sd/-
Electricity Ombudsman