

OFFICE OF THE ELECTRICITY OMBUDSMAN
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057
(Phone No: 011- 26144979)

Appeal No. 01/2022

(Against the CGRF-TPDDL's order dated 20.09.2019 in CG No. 122/2019)

IN THE MATTER OF

SHRI BAL KRISHAN TANWAR

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant: Shri Bal Krishan Tanwar

Respondent: Shri Ajay Joshi, Sr. Manager (Legal), Shri Kundan S Rawat
and Shri Harish Purohit , Managers, on behalf of the TPDDL.

Date of Hearing: 02.03.2022

Date of Order: 03.03.2022

ORDER

1. The appeal No. 01/2022 has been filed by Shri Bal Krishan Tanwar, against the order of the Forum (CGRF-TPDDL) dated 20.09.2019 passed in CG No. 122/2019.

2. The background is that a non-domestic electricity connection bearing CA No. 60003745464 was installed at premises No. CB-103, Naraina, Delhi - 110028 in the name of the Shri Rajiv Kumar, Registered Consumer (R.C.), who was tenant of the Appellant, Shri Bal Krishan Tanwar. The said electricity connection was temporarily disconnected on 29.11.2018 due to pending of outstanding dues of Rs.61,630/- (with LPSC) against it. The meter was removed on 05.06.2019.

3. Then, the Appellant approached the CGRF and during the hearing on 20.09.2019, he told that Shri Rajeev Kumar (R.C.) had left the premises without paying the pending bills. Now he wants to clear all the dues of said electricity connection. He further submitted that he is willing to make payment of actual consumption charges after adjustment of security deposits. He also requested for waiver of LPSC and fixed charges thereon.

During the hearing before the CGRF, the Respondent submitted that as on date, the principal amount of the said electricity connection comes to Rs.59,067.72 and LPSC to Rs.3,939.37 (Whereas the correct Principal Amount at that time was Rs.61,111.93. This bill was issued up to reading 441050 KW taken on 10.11.2018. The said meter was removed on 05.06.2019 at the reading of 441812 KW for the purpose issuance of final bill.

The CGRF ordered that considering the case of the Appellant and in view of the facts, only the principal amount be paid by him after adjustment of security amount, if the same is not adjusted earlier and the entire LPSC be waived off. The final amount will be communicated by the Respondent to the Appellant within a weeks' time from the date of order and the Appellant shall make the payment of the amount within four days thereafter. The CGRF further ordered the Respondent to issue 'No Due Certificate' to the Appellant with regard to the connection in question.

4. In compliance to the CGRF's order dated 20.09.2020, a final bill No. 10009896141 dated 25.09.2021 for an amount of Rs.82,771/- (Principal amount Rs.73,229.51 + LPSC Rs.954.49) after adjustment of security deposit amount was issued. In the meantime, the Respondent had also filed an application for review, which was rejected by the CGRF vide their letter dated 30.10.2019. Then the Appellant was communicated regarding issuance of Final Bill for an amount of Rs.83,909.38 vide letter dated 11.11.2019, which was returned back with remarks 'No Such Person'.

5. On receiving a notice on 01.07.2021 for recovery of unpaid dues of Rs.98,729/- against the said disconnected connection, the Appellant again file a review petition before the CGRF seeking compliance of its order dated 20.09.2019. The CGRF directed the Respondent through a handwritten note on the letter dated 02.09.202, to explain all billing calculation to him for his satisfaction.

6. Being not satisfied with this reply, the Appellant had approached before the Ombudsman with a prayer that:

- a) The Bill dated 10.09.2021 for Rs.1,06,586/- be declared null and void
- b) The actual amount as per Order of CGRF dated 20.09.2019, be communicated to him in his name.
- c) The Respondent should be directed to install new electricity connection on the same address till the present case is disposed off.

7. Both the parties were heard in detail and relevant questions were also asked by the Advisors as well as the Ombudsman for seeking further clarification in the matter. The main issue that emerges during the arguments is as follows:

- a) That the bills were not paid by the Appellant/tenant of the Appellant w.e.f. 03.08.2018 and subsequent to this the supply was disconnected on 29.11.2018. The meter was removed on 05.06.2019 after lapse of six months as per rules.
- b) That the bills were also raised for the period and sent at the registered address.
- c) That the bills were contested by the Appellant, and he later approached the CGRF for adjudication of the dispute. The CGRF had passed an order on 20.09.2019 and asked the Discom to issue a bill within one week and asked the Appellant to make the payment within five days of getting the bills. Both the parties had gone for review and the CGRF rejected the review of the Respondent while given certain directions in writing to the Respondent on the review petition filed by the Appellant.


8. After going through the documents on record and also after hearing both the parties in detail. I think the dispute arose because of lack of proper communication between the Appellant (consumer) and the Respondent (Discom). Had the Discom taken suitable action at the relevant time and clearly communicated with the consumer, the dispute may not have arisen. Further, this appeal is also due to lack of clarity in the order of CGRF where the word

"Final" bill should have been emphasized and mention of particular figure should have been avoided.

In view of the foregoing, I am of considered opinion that the Appellant requires to pay for the energy consumed, the statutory fixed charges and other charges to the Respondent immediately. The Respondent is also required to raise the final bill on the above lines and ensure that the bills are not only handed over to the Appellant but also explained, in detail. LPSC for the entire duration w.e.f. 03.08.2018 is waived off. The Respondent should also deduct the security deposit with interest thereon from the final bill. The Appellant is also required to make the payment within a week of receiving final bill. Subsequent to receipt of payment, the Respondent would issue an 'NOC' and give a new connection within stipulated time after completing all the formalities as per rules and regulations.

✓ Respondents are further advised to be consumer centric in the approach and bring more transparency in their functioning. ✓

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
03.03.2022