



## OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)

**B-53, Vasant Vihar, New Delhi-110057**

No. F.7(24)/DERC/Com./ 2004-05/

Dated: 31.1.2005

In the matter of:-

M/s G.B. Industries,  
C-2/7, 'Prakash Niwas',  
Ashok Vihar, Phase-II,  
Delhi-110052.

Ref: Order No. OMBUDSMAN/02/2005/0002.

The brief facts of the case are that the Appellant has filed an application dt. 22-1-2005, received in the office on 24-1-2005. The application states that he filed the case with CGRF on 13-12-2004. The CGRF vide its letter dt. 23-12-2004 states that "the case cannot be accepted as a decree has been passed by PLA on 29-6-98". The Appellant being aggrieved by the aforesaid Order of the CGRF has filed the present appeal.

Following points emerge from the petition and enclosures filed by the Appellant:-

The Appellant has vide its letter dt. 13-8-1997 informed the AFO, DESU, that its unit was not working for the last few months and, therefore, requested "to allow exemption from the energy charges to its unit and that only meter rent should be charged in future". He followed up the matter with the AFO, DESU, but without success. He approached the Bijlee Adalat on 18-5-1998, which as interim measure, on 6-6-1998, directed the consumer to pay 40% of the pending bills upto May, 1998 and his electricity supply be connected by the DVB.

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Although, the Appellant paid Rs.91,662/- on 10-7-1998 and also Rs.100/- (being reconnection charges) yet no action has been taken by the Licensee to reconnect his electricity supply.

Obviously, the case of the Appellant has not been finally settled by DVB/NDPL. The grievance of the Appellant still persists. The payment made by him has not been adjusted.

On his application being rejected by the Forum, the Appellant has approached the office of Ombudsman for settling his case for issue of **final bill and refund of its security deposit** and excess amount, if any.

It is pertinent to mention that sub-clause (3) of Clause 7 of the DERC Notification dated 11-3-2004 reads as under:-

"The Forum shall not entertain a complaint if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or **a final order has already been passed** by any competent court/authority or Forum or is frivolous or vexatious in nature"

Simply stated, the Clause only bars cases of same subject matter which are pending before a court or forum and where a decree, award or final order has been passed by the concerned court or forum. In the present case, there is no final decree, award or order, and, therefore, the complaint falls under the jurisdiction of the Forum.

In view of the above, the contention of the Secretary, CGRF, Karkardoma in his letter dt. 23-12-2004 addressed to the Appellant, does not appear to be in order.

I have considered the facts and legal provisions of the case, and, hold accordingly:

1. The ad-hoc **Bijli Adalat** in its interim order dt. 6-6-1998 directed the consumer to deposit 40% of the pending bill and DVB to restart the supply.
2. As per the direction of the Bijli Adalat, the consumer deposited 40% amount of the pending bill. The DVB has, however, not restored to the consumer the supply of electricity and the complaint of the consumer is **persisting**.
3. As per the DERC Notification dated 11-3-2004, all complaints of electricity consumers are to be resolved/adjudicated by the CGRF. The interim-order of the Bijli Adalat dt. 6-6-1998 was only **provisional** and the complaint of the consumer is still persisting.

I, therefore, remand back the case to CGRC with the direction to promptly resolve/adjudicate the complaint on merit.

*Ash* 21/01/05  
(Asha Mehra)  
Ombudsman  
*dc*