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Office of Electricity Ombudsman

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

B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057

(Phone No.: 32506011, Fax No. 26141205)

Appeal No. F. ELECT/Ombudsman/2007/150

Appeal against Order dated 08.12.2006 passed by CGRF – BYPL in Complaint No. 347/09/06

In the matter of:

Ms. Sanju Shukla

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

- Respondent

Present:-

Appellant Shri M.K. Sharma authorised representative of the appellant

Respondent Shri Ashish Aggarwal, Commercial Officer
Shri Bhagat Ram, Section Officer (Accounts)
Shri Rajeev Ranjan, Senior Officer (Legal) on the behalf of the BYPL

Date of Hearing: 03.05.2007

Date of Order : 16.05.2007

ORDER NO. OMBUDSMAN/2007/150

Appellant filed this appeal against CGRF order dated 08.12.2006 upholding the Discom's demand of Rs.11,330/- as pro-rata arrears of electricity for the plot measuring 35 sq.yds. which is purchased out of a whole plot of 150 sq. yds.

Appellant stated in his appeal that he is the lawful owner of the property bearing no. D-64, Gali No. 9, Jagjit Nagar, New Delhi, measuring 35 sq. yds. vide sale deed dated 03.05.2006. On 23.05.2006, he applied for a fresh electricity connection for his premises. On 18.07.2006 the BSES issued a demand note of Rs.5,858/- towards development charges of the said premises. The appellant stated that D-64 is a piece of land out of a bigger plot measuring 75 sq. yds. built-up property which is already electrified under K.No.1250 V725

0019. The old address of this plot was 133/2A and present address is D-64. As such development charges are not payable again and therefore did not pay the demanded amount. On account of non-payment of these development charges his application for new connection was rejected by the respondent.

The appellant filed a complaint before CGRF-BYPL on 10.09.2006 praying for removal of the development charges against K.No.1250 V725 0019 in the name of Shri Ram Naresh Sharma, resident of D-64, Gali No. 9, Jagjit Singh, New Delhi. He also filed the copy of receipt dated 04.09.2001 for deposit of the development charges amounting to Rs.5,665/-.

The CGRF in its order dated 18.01.2007 held that no development charges are payable by the appellant as these have already been paid by Shri Jay Karan Singh for the same premises. Following the decision of the Delhi High Court in the case of Madhu Garg Vs. NDPL, the CGRF held that pro-rata amount of Rs.11,330/- is payable by the appellant for getting the new connection as applied for by him.

Not satisfied with the order of the CGRF, the appellant filed this appeal before the Ombudsman.

In his appeal the appellant prayed to set aside the impugned order dated 08.02.2006 of CGRF by directing the BSES to install the electricity meter in his premises without charging any pro-rata amount of Rs.11,330/- and cost of litigation be awarded in the interest of justice.

After perusal of appeal, the submissions of the respondent and CGRF records the case was fixed for hearing on 03.05.2007.

On 03.05.2007, Shri M. K. Sharma, Advocate attended on behalf of the appellant.

Shri Ashish Aggarwal, Commercial Officer attended along with Shri Bhagat Ram, Section officer (accounts) and Shri Rajeev Ranjan, Sr. officer (Legal) on behalf of Discom.

The case was heard. After going through the documents on record, it is observed that the appellant is the owner of 35 sq. yds. property which she purchased as part of the bigger property of 150 sq. yds. Earlier an electrical connection existed in the whole property against which some dues are pending. For a new connection in a part property of 35 sq. yds. of which the appellant is the owner, she is liable to pay pro-rata dues existing against the earlier connection in the same premises, as is correctly held by the CGRF.

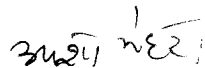
Appellant's advocate desired to submit additional submissions. He was given time till 10.05.2007. On 10.05.2007 the appellant's advocate did not file any further arguments but submitted the photocopy of paid bill for balance amount of Rs.7,550/- dated 05.05.2007, since appellant had already paid

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Rs.3,777/- on 07.03.2007. Thus appellant has made full payment of pro-rata dues (Rs.3,777/- on 07.03.2007 +Rs.7,550/- on 05.05.2007 = Rs.11,327/-). **The respondent is therefore directed to install the meter for a new connection as already directed by CGRF in its order dated 08.12.2006.**

The order of the CGRF is upheld.

The appeal of the appellant is rejected and cost of litigation is not awarded.


(Asha Mehra)
Ombudsman