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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/2007/172

Appeal against Order dated 19.4.2007 passed by CGRF – BYPL in CG No. 90/03/2007 (K.No. 121112120258 & 121112120436).

In the matter of:

Shri J.N. Aggarwal - Appellant

Versus

M/s BSES Yamuna Power Limited. - Respondent

Present:-

Appellant Shri J.N. Aggarwal

Respondent Shri Shobha Ram Dev, Business Manager
Shri S.L. Khullar, AFO,
Shri P.K. Mahun, Legal Retainer and
Shri Sanjah Chauhan, Legal Retainer all on behalf of BYPL

Date of Hearing: 13.9.2007

Date of Order : 14.09.2007

ORDER NO. OMBUDSMAN/2007/172

The Appellant Shri J.N. Aggarwal resident of 139, First Floor, Savita Vihar, Delhi-110 092 has filed an appeal dated 21.5.2007 against CGRF-BYPL order dated 19.4.2007 in CG No. 90/03/2007

2. In the appeal the Appellant has prayed that the CGRF's order dated 19.4.2007 may be modified to the extent that the compensation awarded to him may be increased from Rs. 5,000/- to Rs 1.0 lakh. The grounds of appeal are that (a) CGRF has not fully considered the grievances/sufferings of the complainant due to disconnection of electricity supply for a period of six months. (b) He has suffered lot of inconvenience and monetary loss as his tenants left the premises and (c) the officials of the Company also acted illegally in disconnecting his supply by removing the lock of the room where the meters were installed leading to harassment and unnecessary expenditure on engaging of counsel etc.

3. The contents of the appeal, record of the CGRF and reply of Respondent reveal that Appellant's supply has been disconnected and the meters removed from his premises after he made a complaint of theft of electricity by his tenants residing in two rooms in the property owned by him i.e. 10066, West Gorath Park, Gali No. 3, Shahdra, Delhi. The Enforcement staff found that theft of electricity (D.T.) was being committed directly from the pole by the tenants. On 17.10.2006, the lock of the premises owned by the Appellant was found broken and two electricity meters which are installed in the premises were removed by Respondent. The details of the two meters are as under :

- 1) Shri Kuldeep Singh K. No. 1210-1212-0436
- 2) Shri Yash Pal K No. 1210-1212-0258

4. The Appellant filed a complaint before the CGRF, praying for restoration of his supply and award of compensation as he had been subjected to harassment and loss. The CGRF ordered restoration of electricity supply holding that disconnection of supply was illegal because no theft was being committed through the meters and the theft of electricity was being committed by the tenant directly from the pole. The Respondent was directed to restore the supply immediately within 48 hours and a compensation of Rs. 5,000/- was awarded to the Appellant.

5. Not satisfied with the quantum of compensation, the Appellant Shri JN Aggarwal has come up in appeal before me

6. The case was fixed for hearing on 13.9.2007. The Appellant Shri J.N. Aggarwal stated that it took 1 ½ years for action by Respondent on his complaint of theft of electricity. Three written complaints were lodged by him regarding theft of electricity by his tenants. It was only after he moved the CGRF and after their order dated 19.4.2007 that his electricity was restored and the meters removed illegally from his premises reinstalled. He has incurred a lot of cost on conveyance, typing, engaging counsel besides the harassment caused to him. He also admitted that he has a dispute with the tenants and the case is pending in the Civil Court.

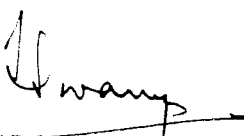
7. On behalf of Respondent, Shri P.K. Mahun, Legal Retainer argued that the CGRF did not have jurisdiction to entertain cases of theft of electricity. There is no harassment to the Appellant as the premises were not occupied by him and that he also concealed the fact of civil litigation with the tenants before the CGRF. The Respondent also stated that the meters had been removed from the premises of the Appellant, since direct tapping of electricity had been detected from the pole by the tenants.

8. After hearing both the Appellant and the Respondent, I am of the view that removal of meters and disconnection of supply by Respondent in this case was unwarranted, and resulted in depriving the Appellant from electricity supply for almost six months. Direct tapping of electricity was done from the pole by the tenants and not through the meters.

Removal of meters and disconnection of supply for a period of six months has indeed caused harassment to the Appellant. The Appellant confirmed that in compliance of CGRF order, his supply has been restored and meters installed in the premises.

9. Keeping in view the harassment suffered and unnecessary cost incurred by Appellant due to disconnection of supply for almost six months, the Respondent is directed to pay a sum of Rs. 50/- per day to the Appellant for the period the electricity supply remained disconnected. The CGRF order dated 19.4.2007 is modified to this extent.

The payment of compensation by Respondent be made within a period of one week from the date of the order.


(Suman Swarup)
Ombudsman

Dated 14th September 2007