

Office of Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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Appeal No. F. ELECT/Ombudsman/2007/173

Appeal against Order dated 02.04.2007 passed by CGRF – BRPL in Case No.: CG/70/2007 (K.No. 2661W5520484).

In the matter of:

M/s Sharma Enterprises

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant

Shri Ravinder Kumar Sharma attended alongwith
Shri Sushil Kumar Gaur

Respondent

Shri Y.M. Saxena, A.G.M. (Business) West
Shri B.N. Jha, Business Manager, (Divn.) Dwarka

Date of Hearing : 04.10.2007

Date of Order : 04.10.2007

ORDER NO. OMBUDSMAN/2007/173

Appellant M/s Sharma Enterprises, through its partner Shri Ravinder Kumar Sharma, has filed this appeal against the CGRF's order dated 02.04.2007 in case no. CG/70/2007 with the request to quash the amended electricity bill dated 26.12.2006 containing an arrear amount of Rs.40,749/-.

The grievance of the appellant is that:

The Appellant purchased the premises no. T-9, 10, in Manish Royal Plaza-II, Plot No.20, Sector -10, Dwarka, New Delhi from Shri Ashok Shokeen. The Appellant applied for a new electricity connection with a load of 5 kw on 16.04.2004, vide his application no. N-266004040744 and deposited Rs.8,000/-. The meter for this

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connection was installed having K. No. 2661 W552 0484 and reading based bills were raised and paid duly.

On 28.04.2006 i.e about 2 years after installation of connection and meter, respondent issued a notice for transferring the outstanding dues amounting to Rs.40,749/- of K. No. 2661 W552 0121 which existed earlier in the premises, in the name of Shri Anil Kumar, to the new K. No. account of the appellant. Appellant was advised to pay the arrear bill raised against K. No. 2661 W552 0121 by 18.05.2006, failing which the dues were sought to be transferred to the Appellants connection K. No. 2661 W552 0484, and supply of this connection was to be disconnected for non payment.

Appellant vide reply dated 12.05.2006 informed the respondent that the electric connection bearing K. No.2661 W552 0484 was sanctioned in his favour after the premises were inspected by the respondent's inspector. At the time of sanctioning the new connection, respondent never raised any demand for payment of outstanding dues for any previous connection installed in the premises. Respondent also never disclosed to the appellant that any electricity connection had been in existence in the name of Shri Anil Kumar, other than the owner Shri Ashok Shokeen, from whom appellant had purchased the premises.

CGRF, in its order observed, that the concerned official of the commercial section of Dwarka divisional office, violated the basic norms in processing this case. Instead of processing the case for restoration of the disconnected connection, case was processed for grant of a new connection applied for by the Appellant. Had the case been processed for restoration of the earlier connection as per established procedure pertaining to such cases, the recovery of outstanding dues would have been effected.

After scrutiny of the appeal, CGRF's records and the reply of respondent, the case was fixed for hearing on 04.10.2007.

The hearing was attended by Shri Ravindra Kumar Sharma Appellant in person, along with Shri Sushil Kumar Gaur. On behalf of Respondent, Shri Y. M. Saxena, AGM and Shri B. N. Jha, Business Manager were present.

During the hearing it came to light that the earlier connection in the name of Shri Anil Kumar bearing K. No. 2661 W552 0121, was sanctioned on the basis of a lease agreement only which is not a valid document for establishing lawful ownership of the premises. The records of sanction of this connection indicate that the connection was sanctioned after confirmation that there were no dues of any earlier 'temporary connection'. The K. No. file of the new connection sanctioned in the name of the appellant, on the other hand, indicates that the dues of the earlier connection existing in the premises were not asked for before sanction of a new connection to the appellant, nor the facts of existence of an earlier connection disclosed.

During the hearing, the Business Manager was asked to produce the disconnection particulars of the earlier connection in the name of Shri Anil Kumar

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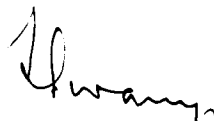
stated to be disconnected on 29.12.2003, as per the meter book records. He was also asked to produce the meter removal particulars, which as per the reply of the respondent, is reported to have been removed only on 15.05.2004. The Business Manager could not produce any such records and stated that as per records in the register, the meter removal orders were issued on 15.05.2004. The Appellant also informed that when the meter was installed for the new connection applied for by him, no meter existed in the meter box.

Respondent informed that at the time of granting the new connection to the appellant, the existence of an earlier connection / meter at site could not be co-related by the official who made the site inspection. The appellant's meter was installed on 28.05.2004 and the arrear bills of another connection, which existed earlier in the premises, were intimated to the appellant for their transfer to appellant's K. No. in April 2006, i.e. almost 2 years later. The records also indicate that regular bills were raised against the earlier connection in the name of Shri Anil Kumar and only one bill was paid in August 2002, thereafter no payment was made. Dues were allowed to accumulate and prompt action was not taken for recovery of dues. Supply was disconnected only on 25.12.2003 and meter removed on 15.05.2004. Since a new connection was installed in the same premises on 28.05.2004 i.e. a few days later, in the name of Appellant, the respondent's argument that the existence of an earlier connection could not be co-related by the field staff is unacceptable.

It is evident that severe lapses have occurred in the sanctioning of the two connections in respect of premises T9, T10, now owned by the appellant, and in raising of bills, as also in issuing of disconnection notices for nonpayment.

After going through all the records and submissions made by both the parties, I am of the view that the appellant cannot be penalized for the lapses on the part of the respondent in sanctioning of the two connections and in recovery of dues from Shri Anil Kumar. The dues against a different connection installed in the premises, cannot be recovered from Appellant after a lapse of almost 2 years especially when no intimation was given to him about the existence of a earlier connection in the premises. It is therefore not justified to transfer the dues of connection bearing K.No. 2661 W5520121 in the name of Shri Anil Kumar, to K.No.2661W5520484 sanctioned to Appellant, at this belated stage.

The orders of CGRF are accordingly set aside.


(Suman Swarup)
Ombudsman