

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. 18/2021

(Against the CGRF-TPDDL's order dated 24.04.2021 in CG No. 06/2021)

IN THE MATTER OF

SHRI OM PARKASH

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Om Parkash

Respondent: Shri Ajay Joshi, Sr. Manager, Shri Chiranji Taneja, Sr. Manager
and Shri Arun Malik, Manager on behalf of the TPDDL.

Date of Hearing: 16.09.2021

Date of Order: 01.10.2021

ORDER

1. The appeal No. 18/2021 has been filed by Shri Om Parkash, against the order of the Forum (CGRF-TPDDL) dated 24.04.2021 passed in CG No. 6/2021. The issue concerned in the Appellant's grievance is regarding the waiver/reversal of fixed charges against his industrial electricity connection bearing CA No.60018141931 installed at Plot No.120, Ground Floor, Block-3, Sector-4, DSIDC, Bawana, Delhi.

2. The Appellant submitted that he approached the CGRF for the waiver of fixed charges against his old disconnected connection for the period from 18.12.2019 to 20.10.2020. As per the Appellant, his industrial connection was disconnected on 18.12.2019 due to non-payment of energy charges of Rs.2,72,520/- for the month of November, 2019 which later on accumulated to

Rs.5,18,175/- by 13.02.2020. The Appellant, however, made the payments of Rs.4,39,000/-, Rs.45,000/-, Rs.1,54,474/- and Rs.84,700/- gradually from February, 2020 till August, 2020 but his connection was not restored and instead he was charged with the fixed charges for the period of disconnection from 18.12.2019 till 20.10.2020. The CGRF after considering his case decided that the Discom should charge the fixed charges for six months only from the date of disconnection i.e. on 18.12.2019 and waive the LPSC charges during the lockdown period of two months i.e. April and May, 2020.

But as the Appellant is not satisfied with the decision of the CGRF, hence, has preferred this appeal with a request to get the fixed charges waived off completely for the period from 18.12.2019 to 18.06.2020 also.

3. The Discom in its reply submitted that the electricity connection of the Appellant was disconnected on 18.12.2019 and fixed charges were levied for the period from 18.12.2019 to 23.08.2020 for a period of approximately eight months instead of six months as per the regulation. The reason forwarded by the Discom for charging of fixed charges for a period of more than six months is basically on account of the alleged restoration of supply illegally by the Appellant on 14.08.2020. However, later on in view of illegal restoration, they removed the meter on 24.08.2020 and, hence, they charged the Appellant with fixed charges of more than eight months i.e. upto the date of removal of the meter. The Discom further submitted that the CGRF vide its final order passed the direction to levy fixed charges for six months only from the date of disconnection i.e. from 19.12.2019 to 18.06.2020 and waiver of LPSC charges during the lockdown period of two months i.e. April & May 2020. They further added that as per the direction of the CGRF, credit for an amount of Rs.73,286.25 towards fixed charges from 19.06.2020 onwards was effected and waiver of LPSC of Rs.1,211.10 was also given effect in favour of the Appellant. In addition to above, the Discom also credited an amount of Rs.31,917.22 for fixed charges for the period from 16.04.2020 to 11.06.2020 towards rebate on fixed charges revision as per DERC Order dated 07.09.2020 with respect to Fixed Charges from April to May, 2020 at a reduced rate for industrial & non-domestic connection consumers due to Covid Pandemic.

The Discom also submitted that as per Regulation 19 (2) (i) and 19 (6) of DERC (Supply Code and Performance Standards) Regulations, 2017, the agreement can be terminated by the Licensee, if the power supply to a consumer remains disconnected for a continuous period of more than six months for non-

payment of charges or dues or non-compliance of any directions issued under these regulations after serving with a 15 days' notice to the consumer. Further, the regulation also stipulates that during the period of temporary disconnection, the consumer shall be liable to pay the fixed charges to the licensee. The licensee is also not supposed to remove the service line and other equipments viz. meter etc. upto a period of six months as per the regulation. The Discom contended that in the instant case disconnection notice was issued to the Appellant on 29.11.2019 and consequently, as the payment due was not forthcoming, hence, the supply of the Appellant was disconnected on 18.12.2019. The Discom also submitted that as the Appellant did not make payment of the entire dues, therefore, his claim for restoration of supply did not subsist and in accordance with the Regulation 54 of DERC (Supply Code and Performance Standards) Regulations, 2017, the Appellant needed to make payment of all the past dues at the time of seeking restoration of connection. The meter of the Appellant was removed on 24.08.2020 and he made the complete payment of pending dues on 27.08.2020.

In view of above, the Discom submitted that the issue which now remains to be decided in the present appeal is with respect to the fixed charges from 18.12.2019 to 18.06.2020, which includes the months of April & May, 2020, wherein the fixed charges were levied at a reduced rate. The Discom finally contended that in the light of submission and reference of provision of Regulations made hereinabove, it is submitted that they have raised the bills for fixed charges as per provision of regulations and, hence, the fixed charges from 19.12.2019 till 18.06.2020 are correct and payable by the Appellant. Hence, the contention and claim of the Appellant with respect to withdrawal of fixed charges is without any merit and, therefore, the present appeal is liable to be dismissed.


4. After hearing both the parties and considering the material on record, it is observed that the basic issue which now remains to be decided is whether the fixed charges of six months for the period from 18.12.2019 to 18.06.2020 are payable by the Appellant or not. It is further observed that the Appellant has also made the only prayer vide his appeal that his remaining fixed charges be waived off since he could not make the due payments in time on account of Covid-19 pandemic.

In this regards, it is noted that Appellant got the first notice of disconnection in the month of October, 2019 on account of non-payment of dues and subsequently another notice was issued by the Discom in the month of

November, 2019, well before the outbreak of the Covid-19 pandemic. From the above, it is quite evident that the Appellant started faltering on the payments of the electricity dues from the month of October, 2019 onwards and his electricity connection was finally disconnected by the Discom on 18.12.2019. Initially, the Appellant was charged for the fixed charges from 18.12.2019 to 23.08.2020 but later on the CGRF rightly decided and directed the Discom to apply the fixed charges only for six months, strictly as per the applicable regulations. In view of the above, the contention of the Appellant that he could not make the payments on account of Covid-19 pandemic and his fixed charges be waived of completely, is not sustainable.

It is also observed that at no point of time, from the date of disconnection till the date of removal of the meter, the Appellant could not make the entire outstanding payment of past pending dues and hence his electricity connection could not be restored by the Discom. Hence, in view of the above background, it is prudently decided that in the instant case the Discom has rightly charged the fixed charges for the period of six months after the disconnection of the supply, from 19.12.2019 to 18.06.2020, strictly in accordance with the applicable regulation viz; 19(2)(i) and 19(6) of DERC (Supply Code and Performance Standards) Regulations, 2017. Therefore, the fixed charges from 19.12.2019 to 18.06.2020 as charged by the Discom, after giving the due rebate as applicable on fixed charges for the months of April & May, 2020, are correct and payable by the Appellant. The contention of the Appellant with respect to withdrawal of fixed charges is not tenable and hence rejected.

In view of above, no intervention with the verdict of the CGRF is warranted and the appeal stands disposed of as dismissed, being unsustainable.


(S.C.Vashishta)
Electricity Ombudsman
01.10.2021