

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/2007/182

Appeal against Order dated 23.04.2007 passed by CGRF – NDPL
in C.G. No. 1148/03/07/MDT (K.No. 31300134273).

In the matter of:

Shri Vinay Kumar Sharma
M/s Hind Tyres - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Vijay Kumar Sharma Partner of M/s Hind Tyres

Respondent Shri B.L. Gupta, Commercial Manager,
Shri Gagan Sharma, Assistant (R&C) and
Shri Vivek, Executive (legal) all on behalf of NDPL

Date of Hearing: 11.10.2007

Date of Order : 11.10.2007

ORDER NO. OMBUDSMAN/2007/182

1. Shri Vinay Kumar Sharma Partner of M/s Hind Tyres R/O BN-36 (East), Shalimar Bagh, Delhi-110 088 has filed an appeal against the order of CGRF-NDPL in C.G. No. 1148/03/07/MDT dated 23.4.2007. The Appellant has stated that an electric connection was installed at S-2/5, Naniwala Bagh, Azadpur, Delhi vide K. No. 31300134273, in the name of M/s Hind Tyres with a sanctioned load of 2.0 KW (non domestic). The premises at which the connection was installed remained closed and no bills were received. The appellant made number of requests to disconnect the supply and to settle the final bill, since the premises remained un-utilised. The CGRF in its order, has observed that the appellant has not made any payment since November 1991 till July 2003, though the bills were raised on minimum charge basis regularly as per the prevailing tariff. The request of the appellant for charging meter rent only, is not in line with the tariff prevailing from time to time, and therefore the raising of bills on account of minimum charge/fixed charge alongwith meter

rent as applicable, is in order. The CGRF decided that 50% of LPSC be waived and the liability of the consumer was fixed at Rs. 73,480/- as per the prevailing tariff. Not satisfied with the order of the CGRF, the appellant has filed this appeal.

2. After perusal of the appeal, the reply of the respondent, the records of the CGRF and other records filed by both the parties, the case was fixed for hearing on 11.10.2007.
3. On behalf of appellant Shri Vijay Kumar Sharma Partner of M/s Hind Tyres was present in person. On behalf of respondent Shri B.L. Gupta, Commercial Manager, Shri Gagan Sharma, Assistant (R&C) and Shri Vivek Singh, Executive Legal were present.
4. During the course of hearing the appellant stated that the meter bearing K. No. 31300134273 was installed in his Shop in the month of August 1989. The shop remained closed and he made the first payment in 1991 of Rs. 2400/-. Thereafter from November 1991 onwards, he has not made any payment of bills raised against K. No. 31300134273. The appellant also stated that he has been repeatedly writing to the respondent for rectification of his bills with a request to charge only meter rent as they have no consumption of electricity in the premises. In support, copies of letters written to respondent have been filed by the appellant. It is the contention of the appellant that since January 1992 he has been requesting for disconnecting the electric supply, for removal of the meter from the premises and for final billing. No electricity was ever consumed by him after the installation of the meter from 1989 upto 2007. Even the 56 units recorded were consumed by the respondent's staff for testing of meter. The meter was not removed even for non payment, for more than 16 years. The appellant has pleaded that the CGRF has over looked the facts and the documentary proof produced by him of letters sent to respondent in 1992, 1994, 1997, 2005, 2006 & 2007. The CGRF has also concluded that the supply could not be disconnected as the meter was installed inside the shop and the premises remained locked, although it was possible for the respondent to disconnect the supply from the source. No notice was received from respondent for disconnection of supply or removal of meter. The appellant has pleaded for charging only of meter rent from 1991 onwards and for waiver of billed amount, including LPSC.
5. The respondent in their reply have stated that the appellant approached the CGRF on 13.3.2007 for correction of bill and removal of LPSC. The CGRF after hearing both the parties has ordered that a revised demand on the basis of minimum

24

charge/fixed charge basis for the entire period the meter remained at site is payable by the appellant alongwith 50% of LPSC i.e. Rs. 28,955/-. The total liability of the consumer was fixed at Rs. 73,480/-

6. The respondent further stated during hearing that as per the records available, the appellant had never applied for disconnection of supply and removal of meter. The respondent has already revised the bill of the appellant in accordance with the orders of the CGRF. However, it was admitted that no notice for disconnection of supply and removal of meter was ever issued to the appellant between November 1991 upto 2.8.2006. For the first time disconnection notice was issued on 2.8.2006 and supply was disconnected from the feeder pillar on 10.8.2006. For the first time request has been received for final bill on disconnected connection from appellant in November 2006.
7. After hearing both the parties, it is seen that there has been no consumption of energy from the meter bearing K. No. 31300134273 installed in the shop of appellant, between the period November 1991 till the disconnection of supply on 10.8.2006. The bills for the period i.e. from November 1991 to February 2007 have been raised on the basis of minimum / fixed charges, meter rent, LPSC and electricity tax.
8. The respondent has taken no action whatsoever during the period November 1991 till August 2006 to disconnect the supply due to non payment of bills. No notices for disconnection have been issued during the last 16 years. The respondent has also not replied to the appellant in response to their letters for charging only meter rent and for rectification of bills. Had this been done in 1994 when apparently the first letter which is on record was written, the supply could have been disconnected much earlier.
9. I am, however, not inclined to accept the plea of the appellant that from 1992 onwards they have been requesting for disconnection of supply since there is no documentary proof for this available on record. The appellant has filed two letters dated 24.9.1997 one written by Shri Vinay Kumar Sharma on behalf of M/s Hind Tyres requesting for rectification of bills and for charging only meter rent, and another letter also dated 24.9.1997 written by Shri Vijay Kumar, Partner M/s Hind Tyres for disconnection of the meter, since electricity is not being used. These letters are written by two different persons and there is no proof of their receipt. Other letters produced by appellant do not seek disconnection of supply.

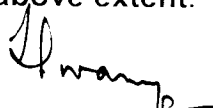
24

10. Since there has been a severe lapse on the part of respondent in not disconnecting the supply due to non payment in 1992 itself and in not responding to letters of the appellant for rectification of bills and charging of meter rent only, there would be no justification in levying LPSC charges on the appellant. After going through the statement of account of the appellant from November 1991 to February 2007, it is decided that he is liable to pay only the principal amount of Rs. 42,730/- from November 1991 to date of disconnection of supply i.e. 10.8.2006, and no LPSC is leviable nor any principal/LPSC be recovered after 10.8.2006 when supply was disconnected. The final bill should be raised by respondent taking into account the security deposit and other payments already made by the appellant for this above period.

The orders of CGRF dated 23.4.2007 are modified to the above extent.

Dated

11. 10. 07.


(Suman Swarup)
Ombudsman

11. 10. 07