

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/2007/217

Appeal against Order dated 28.09.2007 passed by CGRF – BRPL in case no. CG/156/2007.

In the matter of:

Shri B.D. Pahuja - Appellant

Versus

M/s BSES Rajdhani Power Ltd - Respondent

Present:-

Appellant Shri B.D. Pahuja, Appellant attended in person

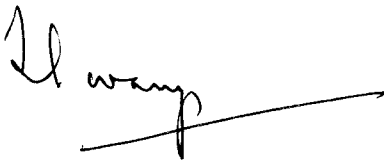
Respondent Colonel Rakesh Tandon, OSD (Enforcement)
Shri K.P. Singh, Legal Assistant attended on Behalf of BRPL

Date of Hearing : 11.01.2008

Date of Order : 15.01.2008

ORDER NO. OMBUDSMAN/2008/217

1. The Appellant, Shri B. D. Pahuja, has filed this appeal against the order of CGRF-BRPL dated 28.09.2007, in case no. CG/156/2007 with the prayer that an amount of Rs.6,840/- deposited by him under protest, be refunded by the Respondent, or adjusted in future bills. He has also prayed for payment of appropriate compensation for tension and harassment and has prayed for setting aside the order of the CGRF.



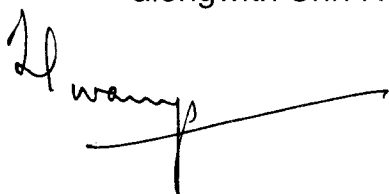
2. The brief facts of the case are as under:

- i) A team of BRPL officials inspected the premises of Flat No. 250, Pocket-7, Sector – XII, Dwarka, New Delhi on 11.07.2005 when one Shri Jai Singh, occupant of the premises was found indulging in direct theft of electricity. No meter was found at that site and Shri Jai Singh was booked for direct theft of electricity.
- ii) The said premises was purchased by the Appellant on 07.12.2005 and no electricity connection or meter was installed in the premises.
- iii) After purchasing the flat on 07.12.2005, the Appellant applied for a new connection on 26.12.2005 **and the new connection** was sanctioned and the meter was installed on 19.1.2006. At this stage no bill for theft or consumption of electricity was raised.
- iv) The Respondent raised a bill on account of direct theft of electricity amounting to Rs.13,680/- with due date of 29.12.2006 for payment. The BRPL officials took one year and five months to raise this bill after detecting the theft. The BSES officials visited the premises to disconnect the supply in April 2007 without any notice / prior intimation. The Appellant was forced to deposit 50% of the theft bill i.e. Rs.6,840/- under the threat of disconnection of supply, although while sanctioning the new connection in favour of the Appellant, he was not informed of any pending dues. The Appellant filed a complaint before the CGRF. The CGRF in its order held that the Appellant is liable to make payment of the outstanding dues, even in respect of the theft case.

Not satisfied with the order of the CGRF, the Appellant has filed this appeal.

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the parties the case was fixed for hearing on 11.01.2008.

On 11.01.2008, the Appellant attended in person and on behalf of the Respondent, Col. Tandon, OSD Enforcement attended alongwith Shri K P Singh, Legal Assistant.

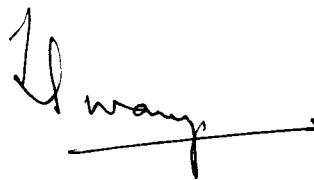


Both parties were heard. The Respondent stated that direct theft of electricity was detected on 11.07.2005, however the Respondent did not immediately lodge any complaint with the police and the theft bill was not raised against Shri Jai Singh, the user, after giving him two days time for payment in accordance with the DERC Regulations 25(V) 2002. The Respondent could not produce the inspection Report or details of any action taken thereafter against Shri Jai Singh. In this case the bill for theft of electricity was raised after one year and five months i.e. in December 2006, when the Appellant had already purchased the premises on 07.12.2005 and had been sanctioned a new connection on 19.01.2006. It is evident that the theft bill was not delivered to Shri Jai Singh who was the occupant booked for theft on 11.07.2005. This lapse on the part of the concerned officials allowed Shri Jai Singh to escape from the liability of paying the theft bill and the innocent Appellant has been forced to pay the amount under threat of disconnection.

4. After considering the facts and circumstances and averments of the parties the following directions are given:
- (a) Rs.6840/- wrongly recovered from the Appellant be refunded to him with 18% interest from the date of payment till the date of refund, by cheque, within three days of this order.
 - (b) Action to recover the dues from the person found involved in theft of electricity be taken as per the rules i.e. FIR be registered and other legal action be taken to recover the amount.
 - (c) A Compensation of Rs.2,000/- be paid to the Appellant for undue harassment caused to him.

The CGRF order is accordingly set aside.

15th January 2008


(SUMAN SWARUP)
OMBUDSMAN