

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/2007/222

Appeal against Order dated 27.08.2007 passed by CGRF – BRPL in case no. CG/111/2007.

In the matter of:

Shri P. Rajenderan

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant Ms. Latika Choudhury, Advocate attended on behalf of the Appellant

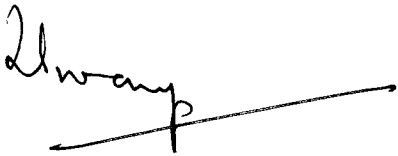
Respondent Shri S.K. Bhattacharya, AFO
Shri Avnish Gupta, Business Manager
Shri Manish Singh, Commercial Officer and
Shri Pradeep Gupta, LR attended on Behalf of BRPL

Date of Hearing : 18.01.2008

Date of Order : 23.01.2008

ORDER NO. OMBUDSMAN/2008/222

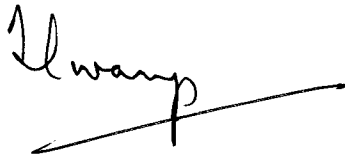
1. The Appellant Shri P. Rajendran has filed this appeal against the orders of CGRF-BRPL dated 27.08.2007 in the case no. CG 111/2007 wherein he was held liable to pay the revised bill of Rs.48,732/-. The Appellant has made the following prayer:
 - (i) To quash / set aside the impugned order dated 27.08.2007 passed by the Consumer Grievance Redressal Forum.
 - (ii) To direct the Respondent not to disconnect the supply of the electricity of Petitioner's premises 14/413 (G.F.), Dakshin Puri, New Delhi K. No. 2511 N285 0425 meter no. 22063357.



- (iii) To quash the notice of disconnection of the supply of the electricity dated 16.09.2005 and to declare that the petitioner is not liable to make payment of dues of K. No. 2511 N260 0181 in the name of Shyam Lal, installed earlier in the same premises.

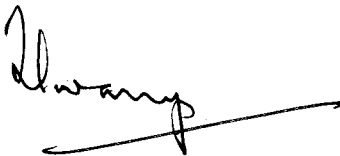
2. The background of the case is as follows::

- i) The premises no. 14/413, Ground Floor, Dakshinpuri, New Delhi, was purchased by one Shri Hari Singh and Shri Pawan Kumar on 16.03.2003 from Shri Shyam Lal the owner, and at that time there was no electricity connection existing in the premises. Earlier an electric connection being K. No. 2511 N260 0181 existed in the name of Shri Shyam Lal the earlier owner, and was disconnected on 20.08.2001 on account of non payment of dues. Shri Pawan Kumar after purchase of the premises, applied for a 1 KW connection which was granted by the Respondent on 14.06.2003 vide K. No. 2510 N285 0425. The Respondent failed to recover the dues of the earlier disconnected connection from Shri Shyam Lal or from Shri Pawan Kumar at the time of granting the new connection to Shri Pawan Kumar.
- ii) Shri Pawan Kumar and Shri Hari Singh again sold the premises to the Appellant Shri P. Rajenderan on 26.09.2003, and at that time there were no pending dues against the second connection K. No. 2510 N285 0425 registered in the name of Shri Pawan Kumar. The Appellant made an application on 26.02.2004 to the Respondent for transfer of this electricity connection in his name, and the connection was transferred in the Appellant's name. The Respondent again did not inform the Appellant about the pending dues of the earlier disconnected connection in the name of Shri Shyam Lal, the previous owner.
- iii) In July 2005, the Appellant received a bill of Rs.1,25,964/- in the name of Shri Shyam Lal for K. No. 2511 N260 0181 bearing the address of the Appellant. Disconnection notices were also issued on 26.08.2005 and 17.09.2005 for disconnecting the connection of Shri Shyam Lal, which was already lying disconnected.
- iv) The Appellant filed a petition in the Hon'ble High Court and was directed to approach the CGRF for settlement of the dispute.
- v) The Appellant filed a complaint before the CGRF on 30.03.2007 and prayed that he is not liable to pay the outstanding dues



against connection no. 2511 N260 0181 registered in the name of Shri Shyam Lal. During the hearing before the CGRF, the Respondent officials informed that the bills raised against the complainant pertain to the previous connection registered in the name of Shri Shyam Lal which was disconnected on 20.08.2001 due to non-payment of dues. The amount had been shown continuously as recoverable and it should have been recovered before 22.05.2003 when Shri Pawan Kumar applied for a new connection. A new connection no. 2510 N285 0425 was released in the name of Shri Pawan Kumar and remained in his name till 14.06.2003, when it was transferred in the name of the Appellant. The Respondent stated before the CGRF that it is a fact that the amount could not be recovered from the original consumer i.e. Shri Shyam Lal or the subsequent purchaser Shri Pawan Kumar at the time of release of new connection in his favour. The Respondent further pleaded that the Appellant cannot be allowed to take the plea that he had no knowledge of outstanding dues pertaining to the previous K. No.

- vi) Smt. Bimla Devi w/o Shri Shyam Lal attended the CGRF hearing on 12.07.2007 and confirmed that their family was using the supply at his premises for the period from 1997 and upto 16.03.2002. She did not hesitate to point out that she was prepared to pay the share of outstanding dues, if divided amongst all the beneficiaries. The Respondent officials informed that the initial amount of Rs.1,25,960/- had been revised to Rs.48,732/- after withdrawal of LPSC. The Respondent officials further informed that the connection in the name of Shri Shyam Lal was disconnected on 20.08.2001 but the meter was not removed. It was found during inspection on 15.01.2002 that the consumer Shri Shyam Lal was still using the supply and the meter reading was 25390 on that date when the meter was removed on 05.11.2002. On subsequent inspection it was found that the consumer is drawing electricity in an illegal manner by connecting his Supply Line to the service line of BRPL. The Respondent confirmed that no bill has been raised on account of theft and the entire period involved had been treated as the meter being defective (15.01.2002 to 14.06.2003 – 515 days) and assessed on the basis of consumption recorded by the meter. Unfortunately none of the earlier occupants i.e Shri Shyam Lal and Shri Pawan Kumar appeared before the Forum on 17.08.2007. The CGRF passed its orders with the direction that Shri P.



Rajenderan will be liable to liquidate the arrears amounting to Rs.48,729/- and allowed to make payment in eight installments. The CGRF granted a token compensation of Rs.2,000/- to the Appellant, for the abnormal delay of the Respondent in effecting the recovery of the dues from Shri Shyam Lal, the original occupant, and also from Shri Pawan Kumar who purchased the property. Since a result of this, undue harassment and mental torture was caused to Shri P. Rajenderan.

- vii) The CGRF further observed that the issue would not have assumed serious proportions, if appropriate action had been taken by the Respondent to effect the recovery of outstanding dues, well in time.

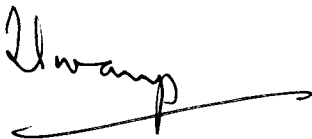
Not satisfied with the CGRF order the Appellant has filed this appeal against the order of CGRF-BRPL.

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the Respondent, the case was fixed for hearing on 18.01.2008.

On 18.01.2008, the Appellant was present through Ms. Latika Chowdhary, Advocate. The Respondent was present through Shri Avnish Gupta Business Manager, Shri Manish Singh Commercial Officer, Shri Pradeep Gupta LR and Shri S. K. Bhattacharya AFO.

4. Both parties were heard. The Respondents officials admitted that there have been serious lapses in non recovery of dues from Shri Shyam Lal the registered consumer of connection K. No. 2511 N260 0181, disconnected on account of non payment of dues and non recovery of these dues at the time of a grant of new connection to Shri Pawan Kumar who purchased the property from Shri Shyam Lal. While transferring the second connection to the Appellant who purchased the property from Shri Pawan Kumar also no claim for payment of outstanding dues for the connection of Shyam Lal was raised.

The Statement of Account, pertaining to Shri Shyam Lal's connection, produced by the Respondent revealed that Shri Shyam Lal had made last the payment of electricity bills in May 1995 and since then till the date of disconnection i.e. 20.08.2001, no further payment was made by him nor any action was taken by the Respondent to recover the dues for years together. This amounts to grave deficiency on the part of the Respondent. Thus the Respondent has miserably

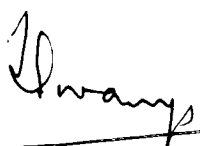


failed to recover the electricity dues well in time and cannot be allowed to pass on the liability to the innocent Appellant. The Appellant stated that he is a poor driver and was not informed about any arrear claims at the time of transfer of the connection. The arrear claim for the earlier connection of Shri Shyam Lal was also raised two years after purchase of the property by the Appellant.

5. After considering all facts it is directed that the arrears be recovered from Shri Shyam Lal the first owner, who is still residing in Daskshinpuri i.e. the same colony.

A vigilance enquiry be conducted against those employees of the Respondent who were responsible for the lapses in this case. **The 1/3rd amount paid by the Appellant be refunded through cheque within 7 days of this order. The order of the CGRF is accordingly set aside, excluding the compensation allowed by the Forum to the Appellant.**

23rd January 2008.


(Suman Swarup)
Ombudsman