

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/2008/226

Appeal against Order dated 31.10.2007 passed by CGRF – BRPL in case no. CG/268/2007, Babu Lal Vs. BRPL.

In the matter of:

Shri Shekhar Prakash Gupta - Appellant

Versus

M/s BSES Rajdhani Power Ltd - Respondent

Present:-

Appellant Shri V.P. Yadav, Advocate of the Appellant attended

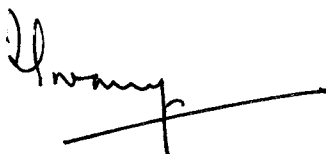
Respondent Shri Hemant Verma, Business Manager, Khanpur
 Shri Manish Singh, Commercial Officer attended on Behalf of BRPL

Dates of Hearing : 25.01.2008, 07.02.2008, 19.02.2008

Date of Order : 25.02.2008

ORDER NO. OMBUDSMAN/2008/226

1. The Appellant, Shri Shekhar Prakash Gupta, has filed this appeal against the orders of the CGRF-BRPL dated 31.10.2007 in case No. CG/268/2007, Babu Lal Vs BRPL with the prayer for correction of the demand raised by the Respondent for Rs.42,000/- for the month of November 2006.
2. The background of the case is as under
 - i) Shri Shekar Prasad Gupta purchased the premises no. B-826, J. J. Colony, Tigri, Ambedkar Nagar, New Delhi-110062 on 04.07.2007 from one Shri Babu Lal, who continues to be the registered consumer of the meter K. No. 2511 N707 0093.
 - ii) Shri Babu Lal, the registered consumer, filed a complaint on 26.09.2007 i.e. after sale of the premises to Shri Shekhar Prakash

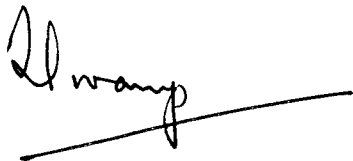


Gupta, before, the CGRF against the electricity bill of Rs.42,000/- for the month of November 2006

- iii) The complainant Shri Babu Lal stated before the CGRF that the Respondent revised the bill of Rs.42,000/- raised in November 2006, to Rs.25,000/-. The Respondent, however, raised the next bill showing arrears of Rs.16,677/-.
 - iv) The CGRF vide its order dated 31.10.2007 directed that the electricity bill raised by the Respondent was based on actual readings and, therefore, the complainant Shri Babu Lal, was liable to make the payments in three installments.
 - v) Shri Shekhar Prakash Gupta, being the purchaser of the premises, not satisfied with the order of the CGRF dated 31.10.2007, has filed this appeal dated 11.12.2007 before me, with the prayer for correction of the wrong electricity bill.
3. The first hearing in the matter was fixed on 25.01.2008, after perusal of the appeal, the records of the CGRF and comments received from the Respondent. The Appellant Shri Shekhar Prakash Gupta, was present through his advocate Shri V. P. Yadav. The Respondent was present through Shri Hemant Verma, Business Manager, Khampur and Shri Manish Singh, Commercial Officer.
4. At the outset, the Appellant requested for being impleaded as a necessary party, being the subsequent purchaser of the premises. He also stated that he was willing to assume the liability for payment of the electricity bills of the previous owner of the premises Shri Babu Lal.

The Respondent objected to the appeal on the ground that Shri Shekhar Prakash Gupta could not be the Appellant nor could he be impleaded as a party at the appeal stage, as he was not the complainant before the CGRF. In fact he has filed the appeal wrongly instead of Shri Babu Lal, who was the complainant before the CGRF. Shri Shekhar Prakash Gupta, being the subsequent owner of the premises, cannot challenge the fact that earlier Shri Babu Lal was running a coaching centre at the premises, for which misuse charges were levied in the bill.

After hearing both the parties, it was decided that Shri Babu Lal be issued a notice through the Advocate of Shri Shekhar Prakash Gupta, as well as in his own name, since he was the complainant before the CGRF and the bill also pertains to the period when Shri Babu Lal was in occupation of the premises. The Respondent was directed to submit the Statement of account from the date the misuse charges were levied and other relevant



documents, including the inspection report regarding misuse of the connection. The second hearing in the matter was fixed on 07.02.2008.

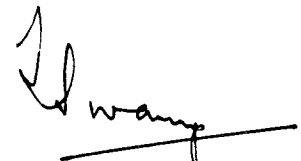
5. At the second hearing on 07.02.2008, the Appellant was not present. The Respondent was present through Shri Hemant Verma, Business Manager, Khanpur, and Shri Manish Singh, Commercial Officer.

The proxy counsel of the advocate, Shri Manas Kumar Jena, requested for adjournment. The Respondent objected to the adjournment on the ground that sufficient time had been given to the Appellant but he could not ensure the presence of Shri Babu Lal before the Electricity Ombudsman. The Respondent argued that Shri Shekhar Prakash Gupta had no locus standi because he was not in occupation of the premises when the misuse charges were levied nor was he the complainant before the CGRF.

After hearing both the parties, the last and final opportunity was given to the Appellant to be present with Shri Babu Lal on 19.02.2008.

6. At the third hearing on 19.02.2008, the Appellant was present through his Advocate Shri V.P. Yadav. However, despite issue of notice, Shri Babu Lal was not present. The Respondent was present through Shri Hemant Verma, Business Manager, Khanpur and Shri Manish Singh, Commercial Officer.
7. The Appellant pleaded that Shri Babu Lal, the original complainant before CGRF, could not be located despite efforts. The Respondent prayed for rejecting the appeal on the grounds that Shri Shekhar Prakash Gupta was not the complainant before the CGRF and could therefore not come in appeal against an order in which he was not a party. On merit also, Shri Shekhar Prakash Gupta was not aware of the misuse of the connection installed in the premises, prior to the purchase of the premises by him.
8. After hearing both the parties and taking into consideration the submissions made by them, it is decided that the Appellant has no locus-standi to appeal since he was not the complainant before the CGRF. He also has no authorization from the complainant Sh. Babu Lal to file an appeal on his behalf. The appeal filed by Shri Shekhar Prakash Gupta is therefore not admitted.

25th February 2008


(SUMAN SWARUP)
OMBUDSMAN