

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. 23/2021

(Against the CGRF-TPDDL's order dated 05.01.2021 in CG No.108/2020)

IN THE MATTER OF

MS RITU KOKRA

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant: Shri Sandeep Kokra, Spouse of Ms. Ritu Kokra and
Shri Kamal Jain, Authorized Representative

Respondent: Shri Ajay Joshi, Sr. Manager and Shri Kundan Singh Rawat
on behalf of the TPDDL.

Date of Hearing: 25.10.2021 & 8.11.2021

Date of Order: 09.11.2021

ORDER

1. The appeal No. 23/2021 has been filed by Ms. Ritu Kokra through her authorized representative Shri Kamal Jain, against the order of the Forum (CGRF-TPDDL) dated 05.01.2021 passed in Complaint No. CG No. 108/2020. The issue concerned in the Appellant's grievance is regarding refund of an amount of Rs. 3,57,000/- deposited by her against the demand-note issued by the Discom (Respondent).

2. The brief background of the appeal arises from the facts that the Appellant had deposited an amount of Rs.3,57,000/- in November, 2019, as security deposit for extension of her load against the electricity connection installed at O-77, Sector - 5, Bawana Industrial Area, DSIDC, Delhi - 110039. The security amount was deposited by her through Demand Draft but later on she shelved the idea of



extension of load on account of spread of pandemic etc. and requested the Discom for refund of the same. The Discom refunded the security amount in favour of Ms/ Berlia Electricals Pvt. Ltd. as the request of electricity connection was made in the name of M/s Berlia Electricals Pvt. Ltd., but she is requesting to re-issue the cheque in favour of Ms Ritu Kokra, since she is the co-person of the company and they have no account in the name of the company M/s Berlia Electricals Pvt. Ltd. As the Discom did not issue the cheque in her favour, therefore, she approached the CGRF for resolution of her grievance.

The CGRF in its decision held that there need not be any objection to re-issue the cheque in the name of Ms. Ritu Kokra as demand-note amount was paid from her account. However, the Discom is at liberty to obtain a suitable undertaking from the Appellant to eliminate the likelihood of claiming the same by some other claimant at a later stage. The Appellant further submitted that as per the order of the CGRF she had already submitted an affidavit in this regard with the Discom but they have not reissued the cheque in her favour and therefore she has preferred this appeal for directing the Discom to issue the required cheque for refund of security in her name.

3. The Discom in its reply stated that the Appellant is already having an electricity connection bearing CA No. 60023775871 in the name of Ms Ritu Kokra for a sanctioned load of 100 KW at Plot No. 77, Ground Floor, Pocket - O, Sector-5, Bawana, DSIDC, Delhi - 110039. The Appellant in January applied for a new Industrial connection of 70 KW on 06.01.2020 in the same premises at Ground Floor in the name of M/s Berlia Electricals Pvt. Ltd. The Appellant applied for the new connection on the same Industrial License on the basis of which earlier electricity connection viz C.A. No. 60023775871 in the name of Ms. Ritu Kokra was released. Thus, the Appellant was trying to obtain two industrial connections on same/one industrial license which is not permissible in law. However, on receipt of new connection application, they visited the Appellant's premises on 24.09.2020 and 26.09.2020 respectively for the installation of applied connection however on each occasion meter installation was refused by the Appellant. Thus, in view of repetitive aforementioned refusals from the Appellant's side they cancelled the new connection request on 28.09.2020 and after cancellation of new connection request, they issued a refund of Rs.3,57,000/- (excluding CGST and SGST) on 15.10.2020 vide cheque no. 729847 in favour of applicant, i.e. M/s Berlia Electricals Pvt. Ltd. The Discom further submitted that before initiation of process of preparation of cheque, in order to process immediate online transfer of



demand-note amount in her Bank Account, asked for providing required bank details, however, the Appellant refused to provide the same. Moreover, in the present matter as the Appellant had applied for the new connection in favour of M/s Berlia Electricals Pvt. Ltd. (i.e. a private limited firm) therefore, they prepared the cheque favouring M/s Berlia Electricals Pvt. Ltd. for an amount of Rs. 3,57,000/- after the Appellant's refusal for online transfer as per law and sent the same to the Appellant through speed post on 05.11.2020 which was delivered to her on 06.11.2020.

The Discom further stated that the compliance of the order of the CGRF with respect to refund of demand note amount in favour of Ms. Ritu Kokra could not be carried out for the reason that electricity connection was applied and demand note was paid in the name of M/s Berlia Electricals Pvt. Ltd. Secondly, the applicant is a Private Limited Company and Industrial License is also issued in the name of M/s Berlia Electricals Pvt. Ltd. Further, as the CGRF passed order on the premise that demand-note amount was paid from Ms. Ritu Kokra's Bank Account, whereas the Appellant was unable to provide any document which could confirm that the demand draft was prepared from her personal account. Therefore, vide e-mail dated 24.03.2021, they informed the Appellant to provide following information/documents in order to process refund cheque for demand-note in her name:

- Dissolution documents of the company, M/s Berlia Electricals Pvt. Ltd.
- Bank Statement of Ms. Ritu Kokra showing payment details on behalf of M/s Berlia Electricals Pvt. Ltd.
- Designation/Role of Ms. Ritu Kokra with M/s Berlia Electricals Pvt. Ltd.
- No Claim Consent of other Board of Directors
- Document of Company's Bank Account closure.

Since the Appellant has not provided any details/information as required by them for processing the refund of security amount as per the directions of the CGRF, therefore, they have not issued the required cheque in her name. In the light of above submissions the Discom submitted that the present appeal is devoid of merit and is liable to be dismissed.

4. After hearing both the parties and considering the material on record, it is observed that the process of refund of demand-note amount was initiated by the Discom immediately after the cancellation of request for new connection and

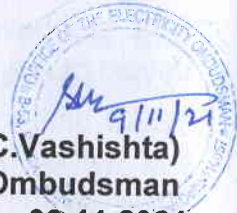


initially they tried to refund the amount by online transfer in the concerned bank account of the applicant but the same could not be done by them since the Appellant refused to provide the required bank details. Lateron, the cheque was issued by the Discom in the name of the applicant viz M/s Berlia Electricals Pvt. Ltd. and was delivered to the Appellant but the same was not deposited by her in the concerned bank account for the reasons best known to her. It is pertinent to mention here that the refund cheque was rightly prepared by the Discom in the name of the applicant viz; M/s Berlia Electricals Pvt. Ltd., who had initially applied for the connection and hence there is no infirmity on the part of the Discom in this regards.

However, as per the directions of the CGRF, the Discom have legitimately asked for certain documents, as explained in point No. 3 supra from the Appellant which she has not been able to provide for processing of the refund of security amount in her name. It is also relevant to mention here that the Discom requires to follow the prevailing legal norms for preparation of any negotiable instrument i.e. cheque in this case. In the background of above, it is quite evident that it is the Appellant herself who is not willing to fulfill the legitimized requisitions made by the Discom for processing refundable amount in her favour. In addition to above, as the demand-note for the new connection was paid by the Appellant through a demand draft (DD) and during the hearing also when asked specifically the Appellant was not able to provide the bank details from which the demand draft was got prepared. Hence, it will not be appropriate for the Discom to issue the cheque in the name of the Appellant, without provision of the required information/details of the company, the bank details from which the demand draft was got prepared and other relevant documents, by the Appellant in this regards.

Given the above exposition, the Discom may issue the cheque in the name of the Appellant only after the relevant information/details are provided by the Appellant, which may ensure the elimination of any likelihood of the demand-note amount being claimed by any other claimant at a later stage.

The appeal is disposed of accordingly.


(S.C.Vashishta)
Electricity Ombudsman
09.11.2021