

(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 against Order dated 19.11.2007 passed by CGRF–NDPL in CG.No. 01455/09/07/MTN.

In the matter of:

Smt. Nirmal Vahi - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri R.L. Vahi attended on behalf of the Appellant

Respondent Shri Y.K. Luthra, B.A.H.
Shri B.L. Gupta, Assistant Manager – CMG
Shri Amandeep, Sr. Officer, CMG and
Shri Vivek AM (Legal) all attended on behalf of NDPL

Dates of Hearing : 07.02.2008, 29.02.2008

Date of Order : 12.03.2008

ORDER NO. OMBUDSMAN/2008/233

1. The Appellant, Smt. Nirmal Vahi has filed this appeal against the orders of the CGRF-NDPL dated 19.11.2007, upholding the sanctioning of a commercial electric connection in a residential area

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by the Respondent, to Mr. Ibrahim Khan, the unlawful occupant of her premises.

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

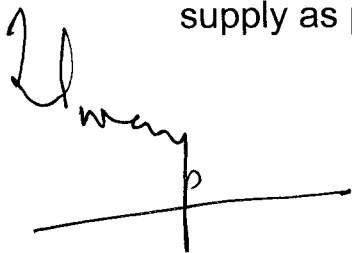
- (a) The Appellant was running a beauty parlour in a portion of her house and appointed Mr. Ibrahim Khan for its management. The Appellant decided to close the beauty parlour because of losses and served a notice on Mr. Ibrahim Khan on 04.07.2005 to seek a job elsewhere.
- (b) The Appellant requested the Respondent on 03.10.2005 for disconnection of electricity. The Respondent disconnected the electricity and removed the meter on 10.10.2005. The Appellant's manager, however, did not vacate the premises.
- (c) The Appellant wrote several letters to the Respondent, stating that as she was not interested in running the commercial activity in her house, Mr. Ibrahim Khan should not be sanctioned an electricity connection. The Respondent, however, sanctioned a commercial connection and installed the meter in Mr. Ibrahim Khan's name on 21.10.2005, in the Appellant's premises.

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3. The Appellant filed a complaint before the CGRF on 23.02.2007 against the sanction of a connection to Mr. Ibrahim Khan, without proper verification of documents. The Respondent in their reply dated 15.02.2007 before the CGRF, informed that a non-domestic connection for 3 KW load was sanctioned and energized in the name of Mr. Ibrahim Khan on 21.10.05 on the basis of submission of (a) PAN card as proof of identity, and (b) Electoral Card as proof of occupancy.

(i) During the hearing before the CGRF on 13.11.2007, the Appellant reiterated her grievances and also stated that Mr. Ibrahim Khan had since vacated the premises.

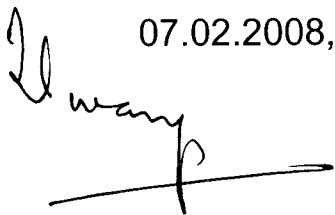
(ii) The CGRF in its order dated 19.11.2007 observed that "the new connection sanctioned/energized in the name of Mr. Mohd. Ibrahim Khan on the basis of the proof of occupancy and identity is in order and as such no case is made out for allowing any compensation to the complainant as asked for. Further since the premises is stated to have been vacated by the tenant the respondent should take necessary action for disconnection of supply as per rules."

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4. The Appellant, not satisfied with the order of the CGRF dated 19.11.2007 has filed this appeal before the Electricity Ombudsman. She has prayed for compensation and for fixing responsibility on the delinquent officials of the Respondent for the illegal connection granted to Mr. Ibrahim Khan.
5. After scrutiny of the appeal, the records of the CGRF and comments of the Respondent, the case was fixed for hearing on 07.02.2008.

The Appellant was not present. The Respondent was represented by Sh. Y. K. Luthra B.A.H., Sh. Vivek A.M. Legal, Shri B.L. Gupta, Assistant Manager – CMG and Shri Amandeep, Sr. Officer, CMG. The hearing in the case was taken up ex-parte. The Respondent justified the sanctioning of the new electricity connection on the basis of documents submitted by Mr. Ibrahim Khan. The Respondent also submitted that no harm was caused to the Appellant because Mr. Ibrahim Khan had since left and no dues were pending against the connection sanctioned to him.

6. On 12.02.2008 however a letter was received from the Appellant stating the she had not received the notice for the hearing on 07.02.2008, sent to her through Speed Post. A final hearing was



therefore again fixed for 29.02.2008, to give the Appellant an opportunity to be heard.

7. On 29.02.2008 the Appellant was present through Shri R.L. Vahi and the Respondent was present through Shri Vivek AM (Legal), Shri Amandeep and Shri B.R. Gupta.

The Appellant pleaded for refund of security and compensation for harassment caused to her due to grant of a commercial connection to an unlawful occupant by NDPL, despite her protests. She also strongly pleaded for refund of her security deposit and for fixing of responsibility on the officials of NDPL responsible for grant of the connection as she had to face unnecessary litigation and financial loss due to their lapses. Respondent wanted time to confirm whether Appellant's security had been refunded.

After hearing both the parties the Respondent was asked to give a statement of account of both the connections installed in the premises, and to indicate the status of refund of security, within three days. The Appellant vide letter received on 03.03.2008 has informed that she had paid a security deposit of Rs.2143/- which has not been refunded. A photocopy of the receipt issued by DVB was also



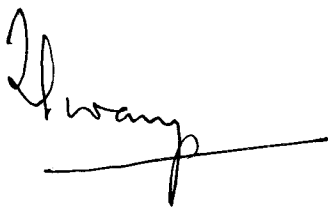
enclosed. The Respondent informed that security amount of Rs.300/- was deposited on 07.04.1999 for a 1 KW commercial connection. Perusal of the payment receipt dated 07.04.1999 indicates that Rs.1540/- was paid for development charges for a 1 KW load, Rs.300/- as security and Rs.303/- as other charges for installation of the connection. As per the statement of account submitted by the Respondent, an amount of Rs.5251/- is shown as pending dues against the connection of the Appellant, and the security amount of Rs.300/- is lying un-refunded.

8. From the submissions made by both the parties, it is observed that the Appellant closed the beauty parlour and got the electricity connection disconnected on 10.10.2005. She had written several letters to the Respondent stating that Mr. Ibrahim Khan who was not vacating the premises should not be sanctioned a new connection. Despite all these letters, the Respondent sanctioned a new connection in favour of Mr. Khan, only on the basis of an Election Card and Pan Card, on 21.10.2005 i.e. a few days after removing the meter of the earlier connection in the name of the Appellant. While sanctioning the connection in the name of Mr. Khan the Respondent did not verify the documents for lawful occupancy of the Applicant nor



any NOC was asked for from the Appellant, who was the owner of the premises. The record also reveals that the new connection was sanctioned in the name of Mr. Khan in the same premises where an earlier connection of the Appellant was disconnected and dues of Rs.5251/- were pending. Normally a new connection is sanctioned only when the old dues are cleared. The action of the Respondent in sanctioning a new connection in the name of Mr. Khan is in violation of the DERC Rules and Regulations laid down for sanction of a electricity connection. This needs to be investigated by the CEO as to how a new connection was sanctioned in favour of Mr. Khan, without verifying the lawful occupancy, and without the NOC of the owner of premises and without clearing of pending dues. Responsibility be fixed on the defaulting officials.

9. The Appellant is a senior citizen with indifferent health. She had to separately file a civil case against Mr. Ibrahim Khan for getting her premises vacated from him. The Appellant has rightly submitted also that the sanction of a connection to Mr. Ibrahim Khan by the Respondent, despite her protests, created a fear in her mind that her premises might be sealed because of the government's drive to seal



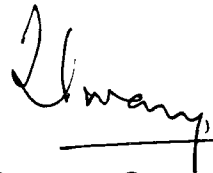
such residential properties, being used for commercial purposes.

The Appellant has prayed for grant of compensation.

10. After perusal of the facts on record and after hearing the averments of the parties, it is clear that the Appellant has suffered undue harassment due to grant of a connection to Mr. Ibrahim Khan in an illegal manner. To meet the ends of justice, the Respondent is directed to pay a compensation of Rs.5000/-. **The Respondent is directed to adjust the payable dues against this amount of compensation and security, and to refund the remaining security through cheque within 7 days.**

The appeal is accordingly disposed off and the CGRF order is set aside.

12th March 2008.


(Suman Swarup)
Ombudsman