

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/2008/299

Appeal against Order dated 07.12.2006 passed by CGRF–NDPL in the case CG.No. 0868/09/06/RHN.

In the matter of:

Shri Shyam Mohan Gupta

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri Shyam Mohan Gupta was present in person

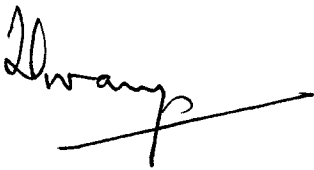
Respondent Shri B.L. Gupta, AM-CMG,
Shri M.S. Saini, Commercial Manager and
Shri Ajay Kalsi, Sr. Manager attended on behalf of the
NDPL

Date of Hearing : 05.02.2009

Date of Order : 09.02.2009

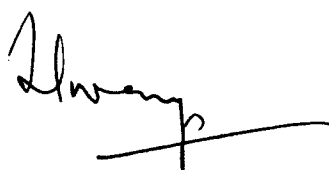
ORDER NO. OMBUDSMAN/2008/299

1. The Appellant Shri Shyam Mohan Gupta has filed this appeal as the CGRF order dated 07.12.2006 in the case CG No. 0868/09/06/RHN has not been complied with by the NDPL so far. The Appellant approached the CGRF vide letter dated 04.10.2007 followed by another letter dated 18.10.2007, but he did not receive any response from the Forum.



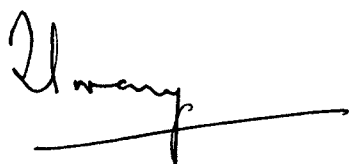
2. The background of the case as per the contents of the appeal, CGRF order and submissions of the Respondent is as under:-

- i) The Appellant is the owner of the premises no. 3509, Street No. 3, Budh Nagar, Delhi – 110 035. The Appellant had two electricity connections one in his own name vide K. No. 32400903155 and another connection vide K. No. 32400130928 in the name of his tenant Shri Devi Singh. The meter of the tenant's connection went out of order sometime in 2001 and electricity supply was routed through the meter of the Appellant after persistent complaints to DESU. There was no electricity consumed through the defective meter from 2001 onwards and as such there was no demand raised by the DESU against this connection after 5th December 2002, when the last payment was made.
- ii) In November, 2005 the NDPL raised a demand of Rs.10,920/- for K. No. 32400130928 in the name of his tenant who had already vacated the premises. As an amnesty scheme was announced for waiver of LPSC, the Appellant deposited Rs.8,680/- on 05.01.2006 on the understanding that this amount would be adjusted against subsequent bills if NDPL is satisfied that the dues are not legitimate.



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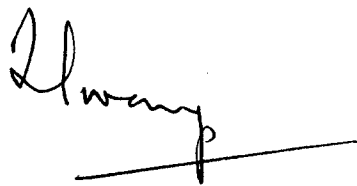
- iii) On receipt of the complaint from the Appellant, a site inspection was done and NDPL revised the bill from September 2001 onwards, charging the consumer only minimum charges / fixed charges and a credit of Rs.10370/- was worked out in respect of K. No. 32400130928 (tenant's connection) and reflected in the January 2006 bill.
- iv) In his complaint before the CGRF, the Appellant requested that the credit amount of Rs.10,370/- may be transferred to the connection K. No. 32400903155 sanctioned in the same premises in his name as he has made payment of Rs.8,680/- in January 2006. He also requested for restoration of supply against K. No. 32400130928.
- v) The CGRF was of the view that it is not possible to transfer the credit of one registered consumer to another and the complainant should get the connection no. 32400130928 transferred in his name by completing the commercial formalities and thereafter the Respondent shall extend the credit of Rs.10,370/- to this K. No. account. The NDPL stated before the CGRF that on completion of commercial formalities they shall restore the supply for K.No. 32400130928.
- vi) The Appellant contacted the NDPL, Keshavpuram office for compliance of the CGRF's order, however he was informed



that the connection no. 32400130928 cannot be revived and he was asked to apply for a new connection with the assurance that the K.No. would remain as 32400130928 and the credit of Rs.10370/- would be restored to his account. The Appellant was asked to pay Rs.2600/- for a new meter which was not really needed by him.

vii) Later on the NDPL raised an objection that the address of Shri Devi Singh as mentioned on the bills was 347, First Floor, Budh Nagar and it was different from the Appellant's address. The Appellant informed NDPL that it was an error on the part of DESU, but he was asked to furnish an affidavit to the effect, which was filed by him. Later the Appellant was advised to comply with the commercial formalities such as production of proof of ownership of the premises no. 347, First Floor, Budh Nagar i.e. the incorrect address of Shri Devi Singh.

3. Not satisfied with the above order of CGRF, the Appellant has filed this appeal. The Appellant has stated in his appeal that he is a retired person and not keeping good health and has already spent over Rs.4,000/- for getting the amount legitimately due to him, which he had paid.

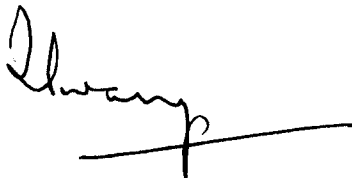


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After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 05.02.2009.

On 05.02.2009, the Appellant was present in person. The Respondent was present through Shri B. L. Gupta, AM-CMG, Shri M. S. Saini, Commercial Manager and Shri Ajay Kalsi, Senior Manager.


Both parties were heard at length. The Appellant stated that Shri Devi Singh was the tenant for the first floor of his premises and the address in the records of the Respondent is wrongly recorded for K. No. 32400130928 in the name of Shri Devi Singh. The K. No. file produced by the Respondent confirmed this fact, as the application submitted for sanction of the connection in the name of Shri Devi Singh bears the address 3509 / 4257 Budh Nagar, Tri Nagar, Delhi. It is observed that based on the wrong address, NDPL has been pressing the Appellant to produce the proof of ownership of the premises which does not belong to him. Infact on the basis of records in the K. No. file, which was available with the Respondent, they should have corrected the address. The address could be also have been confirmed from a site inspection, if required. The Appellant has been unnecessarily harassed for an error committed by the Respondent.



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It is, therefore, decided that Rs.10,370/-, the credit amount worked out in January 2006, for K.No. 32400130928 be refunded to the Appellant within ten days by cheque, after taking an indemnity bond. The address of the premises be also corrected while refunding the amount. A token compensation of Rs.1000/- is awarded to the Appellant for the undue harassment caused to him.

9th February 2009.


(SUMAN SWARUP)
OMBUDSMAN