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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/2009/311

Appeal against Order dated 02.02.2009 passed by CGRF–NDPL in CG.No. 1992/01/09/CVL.

In the matter of:

Shri Anand Gupta

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant

Shri S.B. Goel, and Shri V.K. Goel, Advocates attended on behalf of the Appellant

Respondent

Shri H.C. Verma, (HOG-Coml. Mgmt. NDPL),
Shri Vishal Mittal, (HOG-R&C) and
Shri Ritesh Kumar Singh, (Coml. Mgr), attended on behalf of the NDPL

Date of Hearing : 16.04.2009

Date of Order : 22.04.2009

ORDER NO. OMBUDSMAN/2009/311

1. The Appellant, Sh. Anand Gupta R/o 4/50, Roop Nagar, Delhi has filed this appeal dated 26.02.2009, against the order of the CGRF-NDPL dated 02.02.2009 in case CG No. 1992/01/09/CVL. He has prayed for setting aside the impugned order of the CGRF-NDPL and has requested that the Respondent be restrained from transferring



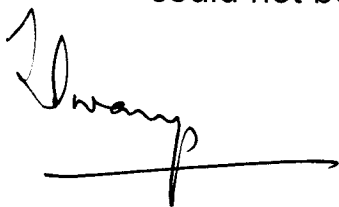
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the outstanding dues of Rs.1,88,361/- pertaining to K No. 35500120392 to K. No. 35500265374 of the Appellant, and from disconnecting the electricity supply.

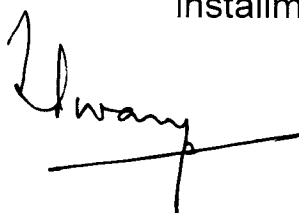
2. The brief facts of the case are as under:-

- a) The Appellant, residing at the first floor of the premises has been using the electricity connection K. No. 35500265374, registered in the name of Sh. Satyapal.
- b) There was another electricity connection K. No. 35500120392 registered in the name of Sh. Satyapal for the first floor of the same premises. This was disconnected on 06.02.2009 for default in payment of electricity dues of Rs.1,34,262/-. The Respondent transferred the outstanding dues of this connection no. 35500120392 in July 2008 to the bill of the live electricity connection K. No. 35500265374 without giving prior notice to the Appellant under clause 49 (ii) of the DERC Supply Code 2007.

3. (i) The Appellant filed a complaint before the CGRF dated 02.02.2009 stating that the pending dues transferred by the Respondent to the electricity connection no. 35500265374 were very old and might include dues of the Delhi Vidyut Board (DVB) period. As the demand raised by the Respondent was more than two years old, the same was barred under section 56 (2) of the Electricity Act 2003 and could not be recovered.




- (ii) The Respondent, on the other hand, contended that K. No. 35500120392 was disconnected on 06.02.2009 for non-payment of dues up to December 2004, which did not include the arrears of the DVB period. Moreover, the Appellant had already agreed to make payments in six installments of the pending dues and had accordingly paid the first installment of Rs.50,000/- on 08.10.2008, and a further payment of Rs.52,270/- on 10.12.2008. As such, having agreed to make the payment of the outstanding dues, there was no question of the demand being time barred under section 56 (2) of the Electricity Act 2003.
- (iii) The Respondent confirmed that as per site verification on 10.04.2008, it was found that the electricity to the disconnected connection K. No. 35500120392 was being supplied through connection K. No. 35500265374 and therefore a notice under section 49 (ii) of DERC Supply Code 2007 was issued on 01.07.2008.
- (iv) The CGRF, after considering the records and averments made by the parties, came to the conclusion that the Respondent had rightly transferred the dues of the disconnected connection 35500120392 to the live connection K. No. 35500265374, because both the connections were registered in the name of the same person for the same premises. Further, the complainant had agreed to liquidate the outstanding dues in six installments, out of which he had already paid in three installments.



4. The Appellant, aggrieved by the order of the CGRF dated 02.02.2009 has filed this appeal dated 26.02.2009. The relevant record of the CGRF-NDPL was called for and after obtaining the clarifications from the Respondent on the points raised in the appeal, the hearing in the matter was fixed at 11.00 AM on 16.04.2009. The Respondent meanwhile forwarded a joint settlement dated 13.04.2009 arrived at between the parties signed by Sh. S. B. Goel, Sh. V. K. Goel (Advocates) on behalf of the Appellant and Sh. H.C. Verma (HOG-Coml. Mgmt..NDPL), Sh. Ritesh Kr. Singh (Coml. Mgr) and Sh. Vishal Mittal (HOG-R&C) on behalf of the Respondent, which inter-alia states: "The bill of K. No. 35500265374 was settled by waiving off 75% of the LPSC i.e. Rs.49,395/- and the balance amount of Rs.7,730/- has been paid by the consumer. Now no dues are pending against this connection also. Hence the case stands settled amicably in between the parties."

As the dispute about payment of pending dues has been amicably settled between the parties, the matter is disposed off in terms of the joint settlement dated 13.04.2009 filed in this office and the case is closed.

22nd April 2009


(SUMAN SWARUP)
OMBUDSMAN