

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/2009/330

Appeal against Order dated 19.05.2009 passed by CGRF–BRPL in case no. C.G.No.49/2009.

In the matter of:

Shri Virender Kumar Sharma - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri Gaurav Gaur son of the Appellant was present on behalf of the Appellant

Respondent Shri Rajesh Doshi, Business Manager and
Shri I.D. Arora, Section Officer, attended on behalf of the
BRPL

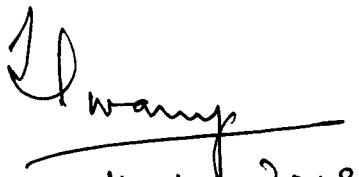
Date of Hearing : 08.10.2009

Date of Order : 11.11.2009

ORDER NO. OMBUDSMAN/2009/330

1.0 The Appellant Sh. V. K. Sharma has filed this appeal dated 24.06.2009 against the order of the CGRF-BRPL dated 19.05.2009 in CG No. 49/2009, requesting for setting aside the aforesaid order.

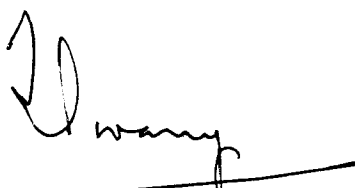
1.1 On the basis of records, the brief facts of the case are that the Appellant applied for a new electricity connection on 23.09.2005 for


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domestic use for the second floor of the premises at C-15, Krishna Park, Dholi Piau, New Delhi. The Respondent, however, rejected the application on the ground that the Appellant was using electricity from K. No. 2650 0B03 0059, registered in the name of his brother Sh. Ashok Kumar Sharma, for the ground floor of the same premises, till July 2005. The aforesaid electricity connection was disconnected on 22.07.2005 due to non-payment of the pending dues of Rs.2,90,297/-. As such, the Appellant also being a beneficiary of the electricity connection was held liable for payment of the pending dues, before a new electricity connection could be sanctioned in his name.

1.2 The Appellant filed a complaint before the CGRF vide CG No. 49/2009 dated 12.03.2009. He stated that his application No. 265005090659 dated 23.09.2005 for a new electricity connection for the second floor of the premises was wrongly rejected. He clarified that a bill of approx. Rs.2,88,000/- was earlier also issued to his brother Sh. Ajay Kumar Sharma for K.No. 26500D030020, which was revised to Rs.88,000/- and the same was paid by his other brother, Sh. Ajay Kumar Sharma.

1.3 The Respondent submitted before the CGRF that the dispute regarding payment of arrears of the disconnected connection K.No. 26500B030059 belonging to the Appellant's brother Shri Ashok Kumar Sharma was pending before the State Commission under the Consumer Protection Act. The Appellant, however, clarified

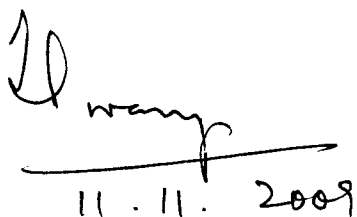

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that the complaint before the State Commission was filed by his brother Sh. Ashok Kumar Sharma, in respect of the ground floor connection No. 26500B030059 and it had nothing to do with his present application for a new electricity connection for the second floor of the premises. He also clarified that he was earlier availing of electricity from the connection sanctioned to his brother Sh. Ajay Kumar Sharma for the lower ground floor. The Respondent on checking the records also confirmed that the payment of Rs.88,000/- was made against the live connection K.No. 26500D030020, registered in the name of Sh. Ajay Kumar Sharma.

1.4 The CGRF in its order dated 19.05.2009 observed that Sh. V.K. Sharma appeared to be the beneficiary of the disconnected connection of Sh. Ashok Kumar Sharma, because he applied for a new connection in 2005 after the disconnection of the electricity connection of Sh. V. K. Sharma in 2005 from where he was drawing the electricity earlier. The CGRF, therefore, dismissed the complaint on the ground that as the case of payment of arrears was already pending before the Hon'ble State Commission, the same could not be dealt with by two different Forums.

1.5 The Appellant, not satisfied with the orders of the CGRF, has filed this appeal before the Electricity Ombudsman.

2.0 After perusal of the records submitted by the parties, the first hearing in the matter was fixed on 08.10.2009. The Appellant was



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present through his son Shri Gaurav Gaur, whereas the Respondent was present through Shri Rajesh Doshi, Business Manager and Shri I. D. Arora, Section Officer

At the hearing, the Appellant stated that the Respondent, despite sanctioning a new electricity connection to him was not installing the same. He sought permission to produce the sanction letter issued by the Respondent on the next date of hearing. The Appellant also clarified that he had been drawing electricity earlier from the connection K.No. 26500D030020 registered in the name of Sh. Ajay Kumar Sharma and he never drew electricity from the connection K.No. 26500B030059 of Sh. Ashok Kumar Sharma, residing on the ground floor.

2.1 The Respondent stated that two electricity connections were sanctioned for different parts of the building - one K.No. 26500D030020 in 1990 to Sh. Ajay Kumar Sharma for the lower ground floor for 11 KV, and another K.No. 26500B030059 in 1996 to Sh. Ashok Kumar Sharma for a portion of the ground floor for 11 KV. The billing dispute regarding connection K.No. 26500B030059 of Shri Ashok Kumar Sharma was pending before the State Commission under the Consumer Protection Act.

2.2 After hearing the parties, the Respondent was directed to file the following documents at the next date of hearing:-



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- a) K. No. Files of all connections sanctioned in the building.
- b) Consumption records and statement of account of all the connections, and the
- c) File relating to the application of the Applicant Sh. V. K. Sharma, for a new connection.

3.0 The next date of hearing was fixed for 08.11.2009. Meanwhile, the Appellant has filed an application dated 05.11.2009 for withdrawal of his appeal. The reason given is that at the time of applying for the new electricity connection in 2005 he was merely a licensee but subsequently he has become owner of half of the property.

3.1 In view of the request dated 08.11.2009, the Appellant is allowed to withdraw his appeal, and the case is disposed off as withdrawn.

11¹⁵ November 2009


(SUMAN SWARUP)
OMBUDSMAN