

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/2009/333

Appeal against Order dated 15.06.2009 passed by CGRF-NDPL in CG.No. 2122/04/09/BDL.

In the matter of:

Smt. Satwant Kaur - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Pritam Singh, husband of the Appellant was present on behalf of the Appellant

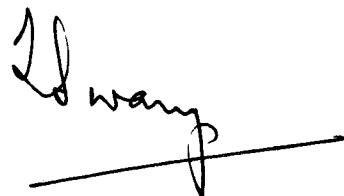
Respondent Shri Vikram Talwar, HOG
Shri Ashok Acharya, District Manager
Shri Arun Sharma, Commercial Manager and
Shri Vivek, Manager (Legal) attended on behalf of the NDPL

Date of Hearing : 22.09.2009

Date of Order : 30.09.2009

ORDER NO. OMBUDSMAN/2009/333

1.0 The Appellant, Smt. Satwant Kaur, has filed this appeal against the order dated 15.06.2009 passed by CGRF-NDPL whereby the Appellant has been ordered to pay Rs.2,877/- (pro-rata dues) against the disconnected connection K. No. 46207003562 installed in the



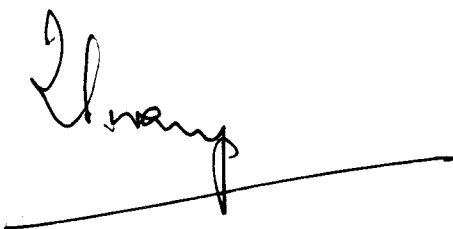
premises no. G-17/12, Sector-15, Rohini, Delhi-110085. The Appellant has prayed for setting aside the CGRF's order.

- 1.1 The background of the case as per the contents of the appeal, the CGRF's orders and submissions made by NDPL is as follows.

The Appellant purchased the first floor of the property no. G-17/12, Sector-15, Rohini, Delhi vide sale deed dated 23.11.2004. The said property was constructed and completed in March 2005. The Appellant got a new electricity connection on 06.05.2005 vide K. No. 46205052309 and by the end of May 2005, the Appellant shifted in the premises.

- 1.2 Earlier a temporary electric connection vide K. No. 46207003562 was energized on 12.03.2004 in the name of Sh. Kunj Bihari for construction purpose. Against this connection accumulated dues of Rs.40,478/- upto meter reading '8144' recorded on 11.03.2005 were recovered, before allowing electric connections to the new flat owners. The dues were cleared on 13.04.2005.

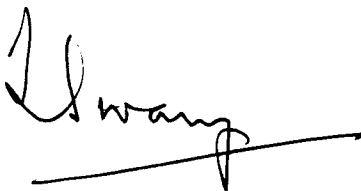
- 1.3 This temporary electricity connection vide K.No. 46207003562 was disconnected on 01.08.2006 on account of non-clearance of dues of Rs.30450/-. The NDPL initially served a notice to the Appellant for clearing the outstanding dues in full under section 49 (ii) Chapter-6 of DERC Supply Code & Performance Standards Regulations 2007. Subsequently, another notice dated 29.09.2008 was sent to five different registered consumers, including the Appellant, occupying



different portions/floors of the premises for clearing the outstanding dues on pro-rata basis, i.e. Rs.6152/- each.

1.4 Against the said notice, the Appellant filed a complaint before the CGRF and stated that the Regulation 49 (ii), as referred to in the notice does not apply to her case as she had never extended the supply from her connection to the portion of the building supplied electricity by the disconnected connection. The Appellant also contended that a new connection was released in her favour on 06.05.2005 and as such she is not liable to clear the dues of the connection which was disconnected subsequently on 01.08.2006. She also stated that before release of the new connection earlier dues of K. No. 46207003562 were cleared. Therefore, asking again for clearing the subsequent dues accumulated after release of a new connection to her, is not justified. The supply against the temporary connection continued to be used even after 09.05.2005 by the registered consumer and was finally disconnected at the reading of 13262 in August 2006.

1.5 The CGRF in its order observed that prior to sanction of the new connection, the dues till the reading '8144' as on 11.03.2005, were cleared for an amount of Rs.40478/-. The reading 10928 was recorded on 09.05.2005 indicating a consumption of 2784 units thereafter and a bill for an amount of Rs.14,385/- was raised. The CGRF further observed that prior to sanction of the first permanent connection in the name of the Appellant on 06.05.2005, only one connection bearing K. No. 46207003562 was alive, and possibly




catering to the electricity requirements of all the portions / floors of the premises for carrying out left out construction works/ finishing jobs/common services etc. The CGRF concluded that after 09.05.2005, the supply against the connection K. No. 46207003562 was exclusively used by Sh. Bharat Kataria for his shop on the ground floor, and after disconnection of supply, he was sanctioned a separate new connection in April 2007. The owners of the other four connections as such, cannot be held liable for consumption after 09.05.2005 as all of them had obtained separate connections by this date. The CGRF agreed with the contention of the Appellant that provisions of Regulation 49 (ii) do not apply in this case. However, the case falls under the category of recovery of pending dues against a connection sanctioned in the premises prior to the entry of new consumers.

- 1.6 The Forum decided that the energy charges of Rs.14,385/- accumulated till 09.05.2005 for consumption of 2784 units consumed during the period 11.03.2005 to 09.05.2008 be recovered from all the five consumers, occupying different portions/floors of the premises at that time. The liability of the Appellant was restricted to Rs.2,877/- only.

Not satisfied with the above orders, Appellant has filed this appeal.

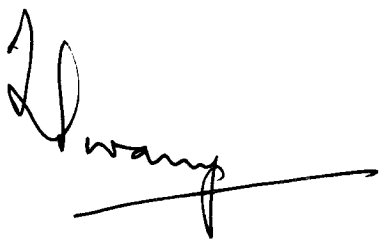
- 2.0 After scrutiny of the contents of the appeal, the CGRF's order and the submissions made by both the parties, the case was fixed for hearing on 22.09.2009.



On 22.09.2009, the Appellant was present through Sh. Pritam Singh, husband of the Appellant. Respondent was present through Sh. Vikram Talwar, HOG, Sh. Ashok Acharya, District Manager, Sh. Arun Sharma, Commercial manager and Sh. Vivek, Manager (Legal).

Both parties were heard. The Appellant reiterated the submissions already made in the appeal. It was further stated by Appellant that Sh. Bharat Kataria, the partner of the registered consumer Sh. Kunj Bihari, is still available as he has a shop on the ground floor. Shri Kataria was sanctioned an electricity connection bearing K. No. 4620527777 on 11.02.2007, after disconnection of the temporary connection. The Appellant stated that since she had got her own connection much earlier she is not liable to pay for the meter from which she has never used the supply and which was being used by Shri Kataria.

- 2.1 The record of the Respondent revealed that a temporary connection was given to Sh. Kunj Bihari on 12.03.2004 and an amount of Rs.900/- was taken as consumption deposit. The application of Sh. Kunj Bihari for a temporary connection was also signed by the witness/ guarantors who were locally available. It is also evident that the Respondent has not effected regular recovery of dues from Sh. Kunj Bihari and dues of Rs.40,478/- were allowed to accumulate without any justification, which were recovered only on 13.04.2005 before allowing a new connection to the Appellant. In fact, when the construction work was over and the flats were sold and new regular connection sanctioned, the temporary connection should have been




disconnected. The temporary connection was allowed to continue upto August 2006, and for this connection no sanction for extension is also available with the Respondent. There was no reason to allow this temporary connection to continue after the construction work was over. As observed by the CGRF, this connection was being used by the ground floor shop and was disconnected only in August 2006. The Respondent should have recovered the dues from the registered consumer, Sh. Kunj Bihari in whose name the connection was continuing or the actual user since new permanent connections were already given to the flat owners.

3.0 CONCLUSION

After considering all the facts on record, in my view the Appellant is not liable to pay any dues pertaining to the temporary connection of Sh. Kunj Bihari meant for construction purposes. The Respondent is free to adjust the security / consumption deposit against the dues and to take necessary action for recovery of the remaining dues from the registered consumer or the guarantors, who it is learnt are locally available or from the actual user of the connection, Shri Bharat Kataria.

In view of the above the order of the CGRF dated 15.06.2009 is set aside.

20th September .


(SUMAN SWARUP)
OMBUDSMAN