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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/2010/364

Appeal against Order dated 03.12.2009 passed by CGRF–BRPL in case no. C.G.No.316/2009.

In the matter of:

Shri Anand Prakash Jain

- Appellant

Versus

M/s BSES Rajdhani Power Ltd.

- Respondent

Present:-

Appellant Appellant Shri Anand Prakash Jain was present in person

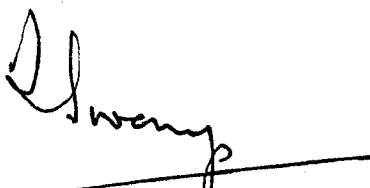
Respondent Shri Avinash Kumar, DGM and
Shri Anurag Gupta, Commercial Officer attended on
behalf of BRPL

Date of Hearing : 16.04.2010

Date of Order : 23.04.2010

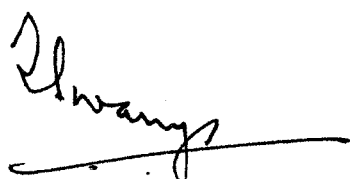
ORDER NO. OMBUDSMAN/2010/364

- 1.0 The Appellant, Shri Anand Prakash Jain has filed this appeal dated 06-01-2010 against the order of the CGRF No.316/2009 dated 03-12-2009 praying for absolving him from payment of the dues of his tenant raised vide bill dated 05.01.2010, for Rs.22,300/-.
- 2.0 The brief facts of the case according to the records and submission of the parties are as under:


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- (i) The Appellant is the landlord of premises G-9, Hauz Khas, New Delhi-110016 as per the memorandum of family settlement dated 14-04-2000, which forms part of the decree passed by the Hon'ble Delhi High Court on 04-05-2004.
- (ii) The shop No.3 in the above premises was rented out to Smt Laxmi Devi and others, where electricity meter K.No. 2551L 5020073 was installed. Smt. Laxmi Devi sublet the shop to Smt. Munmun Jain, proprietor of M/s Jaipur Gem House, without the permission of the Appellant.
- (iii) Smt. Laxmi Devi paid the last electricity bill upto 28th January, 2009 at reading 7880 and then the shop was closed from 07-04-2009 onwards. After 28th January no payment of electricity dues was made.
- (iv) The Appellant informed the Respondent vide his letters dated 02-05-2009 and 08-05-2009 that his tenant had closed the shop but electricity supply was continuing. He requested that the supply of electricity be disconnected otherwise he would not be liable for the electricity dues of the tenant.
- (v) The Respondent issued disconnection notice on 15-05-2009 for non-payment of the dues, but after the expiry of the notice period of 15 days did not take action for disconnection of electricity supply. The electricity supply was finally disconnected on 24-09-2009 at the reading 11382.

3.0 The Appellant filed a complaint dated 23-09-2009 before the Ld. CGRF against the Respondent for not disconnecting the electricity



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supply to the tenant, (who had further sublet the premises) despite his letters dated 02-05-2009 and 08-05-2009.

- 3.1 The CGRF after considering the records and averments made by the parties directed that as the electricity supply at the shop of the tenant was disconnected by the Respondent on 24-09-2009, for non-payment of dues the complaint of the consumer was attended to and no further action was called for.
- 3.2 The Appellant not satisfied with the order of the CGRF dated 03-12-2009 has filed this appeal praying for setting aside the electricity bill containing the accumulated dues in respect of the meter installed at the shop of the tenant.
- 4.0 The first hearing in the matter was fixed on 16-04-2010 after scrutiny of the records and after obtaining the required clarifications from the parties.

The Appellant, Shri Anand Prakash Jain was present in person, whereas the Respondent was present through Shri Avinash Kumar (DGM) and Shri Anurag Gupta (Commercial officer).

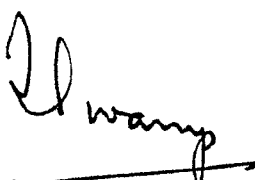
The Appellant stated that he was the owner of the property G-9, Haus Khas, New Delhi-110016 as per the family settlement dated 14-04-2000 which is part of the decree of the Hon'ble Delhi High Court dated 04-05-2004.


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The Appellant further pointed out that the tenant Smt. Laxmi who had sublet the shop to M/s Jaipur Gem House, vacated the shop on 07-04-2009 after paying electricity bills upto 28-01-2009 at the reading 7880, but the electric supply was being used in the closed shop. Consequently, he sent letters dated 02-05-2009 and 08-05-2009 for disconnection of the electricity supply, but no action was taken by the Respondent. As such, the electricity dues were allowed to accumulate to Rs.22,300/-.

The Respondent submitted that a disconnection notice was issued on 15-05-2009 to the owner for non-payment of the electricity dues, but the electricity supply was not disconnected after expiry of notice period.

- 4.1 It is observed that the Respondent did not take any action on the letters of the Appellant dated 02-05-2009 and 08-05-2009 for disconnection of the electricity supply at the shop of his tenant. The Respondent on his own had issued a disconnection notice dated 15-05-2009 due to non-payment of dues, but failed to disconnect the electricity supply at the end of the notice period, even though the dues were not paid. It is clear that there is a deficiency in service on the part of the Respondent in not disconnecting the supply of electricity to the shop of the tenant either as per the request of the Appellant vide letters dated 02-05-2009 and 08-05-2009, nor after the expiry of 15 days of its own


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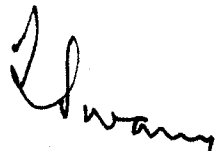
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disconnection notice dated 15-05-2009. No acknowledgement or reply was given to the requests of the Appellant for disconnection.

- 5.0 After considering the facts on records and the averments of the parties, I am of the view that it would be just and fair to hold the Appellant responsible for payment of the electricity dues only upto 31st May 2009. For the period after 31st May upto 24.09.2009, when the supply was actually disconnected, the dues are not payable by the Appellant.

Compliance of this order may be made within 21 days of this order. The case is disposed of accordingly.

23rd April 2010


(SUMAN SWARUP)
OMBUDSMAN