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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/2010/375

Appeal against Order dated 26.03.2010 passed by CGRF–NDPL in CG.No. 2593/12/09/MDT.

In the matter of:

Shri Gohar Taneja - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri B.L. Sharma, Advocate was present on behalf of the Appellant

Respondent Shri Ajay Kalsie, Company Secretary
Shri K.L. Bhayana ,Advisor
Shri O.P. Arora, Commercial Manager-Model Town
Shri Gagan Sharma, Assistant Officer, Model Town and
Shri Vivek, Manager (Legal) attended on behalf of the NDPL

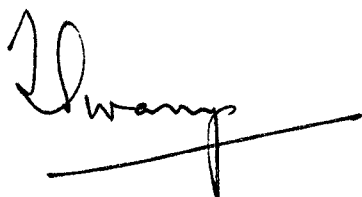
Date of Hearing : 27.07.2010

Date of Order : 02.08.2010

ORDER NO. OMBUDSMAN/2010/375

1.0 The Appellant, Shri Gohar Taneja has filed this appeal against the order dated 26.03.2010 passed by the CGRF-NDPL in the case CG No.2593/12/09/MDT.

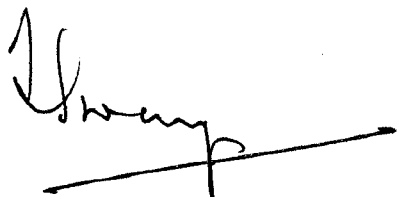
1.1 The brief facts of the case as per the records and submissions of the parties are as under:



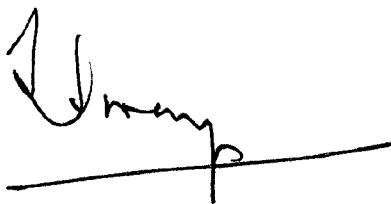
- (i) The Appellant had an electric connection vide K. No. 45100135221 at C-82, 2nd Floor, New Subzi Mandi, Delhi — 110 006.
- (ii) The Appellant had earlier filed a complaint dated 08.12.2009 before the CGRF-NDPL against the August, 2009 bill raised by the Respondent for a sum of Rs.55,070/-, without giving details, as there were no pending dues in the June 2009 bill.
- (iii) The Appellant filed a representation against the said bill of Rs.55,070/- and against the disconnection of his supply due to non-payment. The Appellant was informed by the Respondent that outstanding dues amounting to Rs.55,070/- pertaining to another electricity connection K. No. 45110591590, had been transferred to the Appellant's connection, and the Appellant was directed to make the payment.

2.0 The Appellant filed a complaint before the CGRF stating that the Respondent had not taken any action for rectification of the disputed bill and had disconnected his supply. The Appellant prayed before the CGRF for withdrawal of the said bill and for issue of a revised bill after deleting the arrears of another K. No. 45110591590, and for restoration of his supply.

2.1 On 14.12.2009, the Respondent was directed by the GGRF to restore the supply within 48 hours, subject to deposit of the current dues. On 17.12.2009, the Appellant deposited a sum of Rs.1670/- as current dues against the total amount of Rs.55,650/-.



- 2.2 Vide letter dated 04.01.2010, the Respondent sent a compliance letter to the CGRF informing that reconnection had been done of the said connection, but no date of reconnection was mentioned therein. As per the Respondent's letter the disconnection was done on 25.09.2009.
- 2.3 The CGRF vide its interim order also directed the Respondent to carry out a site inspection and to confirm from where the disconnected connection at ground floor against which there were outstanding dues was getting the supply. As per the site inspection report dated 20.03.2010, the disconnected connection at the ground floor premises was getting the supply from the adjoining premises C-83, Subzi Mandi, having connection K. No.45100594786.
- 2.4 Based on the above reports, the CGRF decided that the arrear amount relating to K. No. 45110591590, be withdrawn and a revised bill be sent to the Appellant in the next billing cycle, and the LPSC charged, if any, be also withdrawn.
- 2.5 The Appellant, not satisfied with the order of the CGRF dated 26.03.2010, has filed this appeal praying for compensation of Rs.50,000/- on account of harassment, mental torture, pain and agony, humiliation and for unfair trade practice as well as deficiency in service by the Respondent.

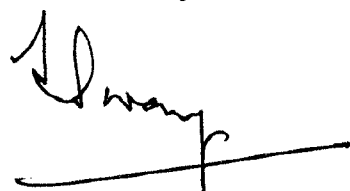


3.0 After obtaining the required clarifications from both the parties, the hearing in the case was fixed on 27.07.2010.

On 27.07.2010, the Appellant was present through his advocate Shri B.K.Sharma. The Respondent was present through Shri K.L.Bhayana(Advisor), Shri Ajay Kalsie (Company Secretary), Shri Vivek (Manager – Legal), Shri O.P.Arora (Commercial Manager-Model Town) and Shri Gagan Sharma (Assistant Officer – Model Town).

Both the parties argued their case. The Respondent's officials confirmed that the supply was disconnected on 25.09.2009 and again restored on 22.12.2009 as per the CGRF's interim order. The records produced by the Respondent reveal that the Appellant's premises was inspected on 26.02.2009 and on the version of a tea vendor, it was recorded in the inspection report that another connection K. No. 45110595190 which was disconnected years ago, was presently getting electricity from K. No. 45110135221 installed in ~~of~~ the Appellant's premises. Without actually verifying the facts, the Respondent transferred the dues of Rs.55,070/- of the disconnected connection to the Appellant's connection. Later on, the Respondent disconnected the supply of the Appellant on 25.09.2009.

3.1 The premises of the Appellant was again inspected as per the interim order of the CGRF on 20.03.2010, and it was found that no meter was existing in the ground floor premises of Shri Dharshan Singh. The electricity was being supplied to this portion from another



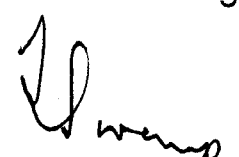
connection K. No. 45110594786, installed in the adjoining premises C-83. When asked why proper inspection was not done earlier, the Respondent's officials admitted the mistake of their field staff.

3.2 The Respondent's officials, however, stated that after filing of this appeal in the Office of the Electricity Ombudsman dated 13.05.2010, the Appellant had also filed a complaint under section 142 on the same issue before the DERC. The Appellant submitted a written undertaking, stating that the said complaint was being withdrawn from the DERC.

4.0 After hearing both the parties, it was decided that the preliminary objections raised by the Respondent were not valid. Evidently, this is a case of unnecessary harassment caused to the Appellant by the Respondent's officials by giving wrong facts in their inspection report. **A compensation of Rs.50/- per day for the period the supply remained disconnected i.e. from 25.09.2009 to 22.12.2009 is awarded. In addition a compensation of Rs.500/- per month for the period of eleven months i.e. from March 2009 to February 2010 is also awarded, as the Appellant faced acute harassment on account of the errors of the Respondent.**

The CGRF-NDPL's order is modified to the above extent accordingly.

2nd August 2010.


(SUMAN SWARUP)
OMBUDSMAN