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**OFFICE OF THE ELECTRICITY OMBUDSMAN**  
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)  
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Ref: E.OBM/A/05/38

Dated: 20<sup>th</sup> October, 2005

**Appeal No. F. ELECT/Ombudsman/2005-06/38**

Appeal against Order dated 09.06.2005 passed by CGRF – NDPL on CG  
No.: 0319/04/05/SKN

**In the matter of:** M/s Delhi Pinjrapole Society (Regd.) - Appellant  
Gosadan (Gaushala)

**Versus**

M/s NDPL - Respondent

**Present:-**

**Appellant** Mr. J.C.Pasrija on behalf of M/s Delhi Pinjrapole Society

**Respondent** Shri Suraj Das Guru, Legal Advisor of NDPL

Date of Hearing : 06.10.2005  
Date of Order : 20.10.2005

**ORDER NO. OMBUDSMAN/2005/38**

This is an appeal against the CGRF order dated 9.6.2005 regarding non-refund of security deposit made by Delhi Pinjrapole Society for release of two connections bearing No: 135467 and 135468 which remained un-energised. The CGRF had ordered that the appellant is entitled to refund of amount deposited as per rules and had directed that the development charges and 15% of the service line charges are not refundable.

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After calling for records from CGRF-NDPL and examination of contents of the appeal, the case was fixed for hearing on 6.10.2005. Shri J.C.Pasrija on behalf of the Society attended the hearing. Shri Suraj Das Guru, Legal Advisor of NDPL attended the hearing.

While passing order in the above case, the CGRF-NDPL considered (i) that the appellant cannot be made responsible for outstanding dues against others connections in different names and at different premises (ii) since the complainant at present does not want the connection to be released, it is entitled for refund of amount deposited as per rules and in view thereof, directions were issued that development charges and 15% of service line charges are not refundable.

In this case, the first conclusion of the CGRF is agreed to by the ombudsman because the appellant cannot be held responsible for non-payment of dues by somebody else in a different premises and in different name. Regarding second statement of the CGRF as above, there is an order of DVB dated 23.12.1997 which provides that 15% of service line charges deposited by the applicant etc. are recoverable from the applicant in case **the consumer failed to complete the commercial pre-requisite leading to cancellation of his application for a new electric connection.**

In the case before us, the appellant has not failed to complete the commercial pre-requisite. On the contrary there is a letter dated 14.6.2004 written by the respondent company to the appellant informing **that your case has been cancelled by the competent authority due to outstanding dues at the premises for which you applied for new connection. Thus in this case there is cancellation due to outstanding dues of somebody else probably by mistake. This is agreed to by the CGRF. Thus in the appellant's case the failure to energise the connection is on account of the respondent company and not on account of the appellant. Accordingly, he is entitled to refund of full security deposit/full service line charges and not part as has been ordered by the CGRF.**

The CGRF while holding that the applicant cannot be made responsible for outstanding dues of others, has ordered for non-refunding of 15% of service line charges and development charges etc. on an incorrect application of DVB order.

The security deposit of Rs.21470/- was deposited on 17.9.2002. The requested connections were not installed till 14.6.2004 (after 20 months) despite reminders. Finally, on 14.6.2004 the respondent company rejected the application of these connections on the ground of no payment of outstanding

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dues by somebody else. Regulation 4&5 of DERC guidelines (Performance standards- Metering and Billing) provides that the new connections applied for by the appellant will be provided within 30 days .Delay in providing new connection makes **the Discom liable for penalty of Rs.500/- to be deposited in DERC.**

Consequent to Discom's letter dated 14.6.2004 informing the appellant that new connections cannot be given, the appellant asked for increase in load which was allowed against existing alive connection bearing no: 354002126540 to meet its requirements. After its load was enhanced to meet its requirement, the appellant stated before the CGRF on 9.6.2005 that it was not interested in earlier two connections applied for and which had not been energised for 20 months. **This statement of the appellant, at that point of time (subsequent to enhancement of load) is not relevant and cannot be considered adversely for the purpose of refund of security.**

The appellant requested the respondent company on 6.5.2004 for increasing the load to 11 KW, Despite reminders, the load was enhanced only in May 2005, after the expiry of 12 months. The DERC guidelines (Regulation No. 9) gives it 30 days' time for enhancing the load. **Failure to do so makes it liable for a penalty of Rs.500/- to be deposited in DERC.**

#### **Regarding Late Payment Sur-charge (LPSC)**

Regarding LPSC, the appellant stated that after May 2004 he received a bill in December 2004 and no bill was received, in the intervening period.- as such LPSC should not be levied. for non-payment of dues during this period. On the contrary, the respondent company stated that it had been raising the demand continuously, the appellant, therefore, is liable for LPSC, for non-payment of dues. The respondent company submitted a statement showing the bill number, charges of energy consumed, arrears etc. on a continuous basis. On the other hand, the appellant has not been able to show any correspondence or communication (to the respondent company) that it has not been receiving bills for this period.

We have seen the bills received by the appellant for September'03, November'03 , April'04, May'04 and even December'04 and September'05 i.e. bills before and after May 2004 (disputed period). All these bills bear the same address viz; Honorary Secretary, Panjra Pole, Kishan Ganj, Delhi. The Bills prior to and after the disputed period have exactly the same address, and, therefore, it is not possible that the appellant did not receive the bills bearing the same address for a period of about six months. Also the appellant could not produce any evidence of having written letters to the respondent company that it was not receiving the bills and duplicate bill may be provided to him. In fact, the appellant has written letters to the respondent company on matter of refund of

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security deposit and other issues, but, no mention has been made that bills are not being received by it. Therefore, it cannot be concluded that bills were not received by the appellant during this period.

In view of the above, it is ordered that;

- i) The appellant is entitled for refund of all the charges deposited for new connections, since it is the respondent company which had rejected the appellant's application, though for wrong reasons.
- ii) The appellant had not made any payment for electricity consumed by it between the period of 22.5.2004 to 29.12.2004, therefore, LPSC charges levied by the respondent company for failure to pay the bills cannot be waived off.
- iii) The appellant paid the security deposit on 16.9.2002, but, connections were not energised for more than 20 months. Thus, penalty of Rs.500/- is payable by the Licensee for the delay in energising the connections as per Clause 38 of (Chapter IX) DERC ( Performance Standards – Metering & Billing) Regulations, 2002.
- iv) The appellant had requested for enhancement of load in May 2004 which was done in May 2005. Thus penalty of Rs.500/- is payable by the Licensee for delay in enhancing the load as per Clause 9 of Chapter III which is covered under Regulation 3 & 4 of DERC ( Performance Standards – Metering & Billing) Regulations, 2002.

In view of the above, the order of CGRF-NDPL is set-aside.

अशा मेहरा  
(Asha Mehra)  
Ombudsman