

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/2010/392

Appeal against Order dated 19.07.2010 passed by CGRF–NDPL in CG.No. 2759/04/10/MTN.

In the matter of:

Shri Naveen Chopra - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant The Appellant is present in person alongwith
Shri L.D. Takhtani, Authorised Representative

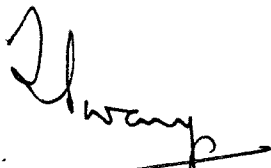
Respondent Shri K.L. Bhayana, Adviser
Mrs. Yamini Gogia, Comm. Manager
Shri Anurag Khurana, Manager and
Shri Vivek, Manager (Legal) attended on behalf of the
NDPL

Dates of Hearing : 19.11.2010, 03.12.2010

Date of Order : 16.12.2010

ORDER NO. OMBUDSMAN/2010/392

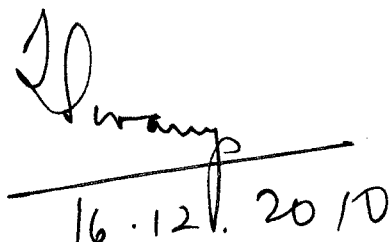
1.0 The Appellant, Shri Naveen Chopra, has filed this appeal against the order dated 19.07.2010 passed by the CGRF-BRPL in the case No. 2759/04/10MTN, stating that the Respondent has wrongly transferred the arrears of K.No. 33300111047 in his bill for the month of November 2009, for his live connection K. No. 33300143818. The arrears pertain to connection K. No. 33300111047 earlier installed in the same premises and registered in the name of Shri


16.12.2010

B.K. Sengupta. The Appellant has also sought correction of his address and compensation for the harassment he has suffered.

2.0 The background of the case as per the contents of the appeal, the CGRF's order, and the averments of the parties is as under:

- a) An industrial connection exists in the name of Shri Naveen Chopra, the Appellant bearing K. No. 33300143818 at E-185-186, Ramesh Nagar, Delhi, with a sanctioned load 1 KW. The domestic connection in the same premises in the name of Shri B.K.Sengupta bearing K. No. 33300111047 was also installed some years back but was disconnected on 29.11.2004 due to non payment of outstanding dues of Rs.44,485/-. During the verification of disconnected connections on 18.09.2008, it was found that supply to the premises was being made by the industrial connection of the Appellant, hence the outstanding dues of the disconnected connection K. No. 3330011047 in the name of Shri B.K. Sengupta, were transferred to the account of the Appellant. The Appellant requested the Respondent for correction of the bill, but there was no positive response.
- b) The Appellant therefore filed a complaint before the CGRF. During the hearing he stated that he had purchased the house only on 07.05.2004 and the live connection K.No. 33300143818 was transferred on 16.09.2004 from the name of Shri Arjun Dass, to the name of Shri Naveen Chopra the Appellant. As per Regulation 20 of the DERC's Regulations, the change of name is effected only after clearance of all dues. But no dues were demanded at the time of effecting the change of name.


16.12.2010


The Forum decided that the outstanding dues relating to the connection of Shri B.K.Sengupta, being dues for the same premises, are payable by the Appellant. However the LPSC of Rs.21,534/- transferred from the account of Shri B.K.Sengupta to that of Shri Naveen Chopra was waived off, and the Respondent was asked to issue a revised correct bill.

Not satisfied with the above order, the Appellant has filed the present appeal dated 03.09.2010.

- 3.0 After perusal of the appeal, the records of the CGRF, and the reply/comments submitted by the Respondent, the case was fixed for hearing on 19.11.2010.

On 19.11.2010, the Appellant, Shri Naveen Chopra was present in person alongwith Shri L.D.Takhtani, authorized representative. The Respondent was present through Shri K.L.Bhayana (Advisor), Mrs. Yamini Gogia (Comm. Manager), Shri Anurag Khurana (Manager) and Shri Vivek (Manager – Legal).

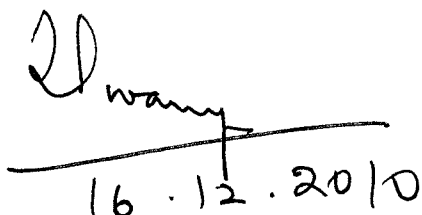
After hearing the parties the Respondent was asked to produce the K. No. files, the name change file, meter removal protocol and records of disconnection of connection K. No. 33300111047, and its statement of Account. The Appellant was asked to produce the last paid bill for both the connections at the time of purchase. The next hearing was fixed on 03.12.2010.


16.12.2010

4.0 On 03.12.2010 both the parties argued their case. The Appellant produced the original bills and copies were taken on record. The Respondent produced the K. No. files and other documents. The Respondent could not however produce any document to prove that any notice was sent to the Appellant between November, 2004 to October, 2009 for payment of arrears against the disconnected connection, nor was the meter removal protocol for meter No. 3330011147, signed by the owner, produced.

The Respondent argued that the dues of connection No. 3330111047 disconnected on 29.11.2004, were dues against the premises, and were correctly transferred to the existing live connection of the Appellant supplying electricity to the premises. It was also argued that the domestic connection in the name of Shri B.K. Sengupta was disconnected only on 29.11.2004, i.e. after purchase of the property by the Appellant. The Appellant however states that no information was given to him about the dues of the disconnected connection till 2009. Also his supply was disconnected for non payment of these dues between 14.02.2010 to 07.06.2010, without any notice.

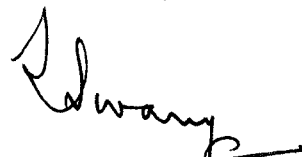
5.0 It is seen that the name change for K. No. 33300143818 was effected on 16.09.2004 and the connection transferred from the name of the previous owner/consumer Shri Arjun Dass, to the name of the Appellant. The connection of Shri B.K.Sengupta was stated to have been disconnected on 29.11.2004, but no meter removal protocol or notice to consumer was produced. It is clear that there was no information with the Appellant at the time of completing the


16.12.2010

commercial formalities for name change, that any dues were payable for another connection installed in the premises. The name change was also effected by the Respondent without any intimation to the Appellant about the dues of the domestic connection in the name of Shri B.K. Sengupta, inter-alia confirming that the premises was free from any outstanding dues.

5.1 Further, the Respondent could not explain as to why dues of Rs.44,485/- were allowed to accumulate till 29.11.2004, nor why the dues were not recovered at the time of name change of the industrial connection in the same premises from the name of Shri Arjun Dass to the Appellant's name. The arrear claim pertaining to the period prior to 2004 was not preferred/recovered by the Respondent for a period of five years, and is now sought to be recovered from an unsuspecting consumer in 2009.

5.2 The foregoing facts, as also the principles of natural justice weigh in favour of the Appellant, and accordingly, the CGRF's order dated 19.07.2010 transferring the arrears of K.No. 33300111047 to K. No. 33300143818, is set-aside. Further, the Respondent is directed to correct the address of the Appellant to E-185, Ground Floor, Double Storey, Ramesh Nagar, New Delhi – 110015. The Appellant should also seek the 'category' change of the existing connection, if it is being used for domestic purposes.


(SUMAN SWARUP)
OMBUDSMAN

16th December 2010