

**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/2011/417**

Appeal against Order dated 31.01.2011 passed by CGRF-BYPL in complaint No.213/10/2010.

**In the matter of:**

**Smt. Bindu Khurana - Appellant**

**Versus**

**M/s BSES Yamuna Power Ltd. - Respondent**

**Present:-**

**Appellant**      **Shri Sanjeev Goel, Advocate and  
Shri Rahul Khurana, Son of Appellant  
attended on behalf of the Appellant**

**Respondent**   **Shri Hitesh Ghosh, DGM  
Shri Mukesh Tanwar, Officer and  
Shri Ravinder Singh, AG-11 attended on behalf of  
BYPL (Respondent No.1.**

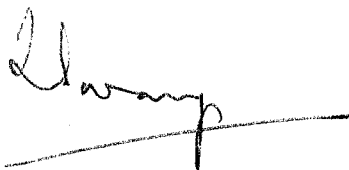
**Smt. Sunita Khurana and Shri Ashutosh Khurana  
attended on behalf of Respondent No.2**

**Dates of hearing**   : 28.06.2011, 13.07.2011, 27.07.2011

**Date of Order**     : 18.08.2011

**ORDER NO.: OMBUDSMAN/2011/417**

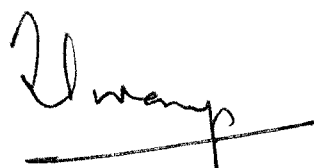
1.0 The Appellant, Smt. Bindu Khurana W/o Shri Madan Lal Khurana, has filed this appeal against the order of the CGRF-BYPL dated



31.01.2011, in the Complaint No. 213/10/10 requesting for setting aside the aforesaid order.

2.0 The brief facts of the case as per the records are as under:

- 2.1 The Respondent No.2, Shri Surender Khurana and his wife Smt. Sunita Khurana are residing at the ground floor of 242, Jagriti Enclave, Vikas Marg, Delhi and were sanctioned two electricity connections. The first electricity connection K.No. 100059165 was installed in the name of Shri Surender Khurana and 121018070885 was installed in the name of his wife Smt. Sunita Khurana in January 2010.
- 2.2 The Appellant, Smt. Bindu Khurana and the Respondent No. 2 Shri Surender Khurana were jointly using electricity connection No. 100059165 both for the ground floor and the 1<sup>st</sup> Floor of the premises and paying the electricity bill in the ratio of 50: 50 as per a mutual agreement arrived at by them.
- 2.3 The Appellant, Smt. Bindu Khurana, was later sanctioned electricity connection No. 121018070888 for the first floor of her premises 242, Jagriti Enclave, Vikas Marg, Delhi-110092 on 11.06.2010 from which she has been using electricity thereafter.
- 2.4 The officials of the Discom inspected the premises of the Appellant and the Respondent No.2 on 09.08.2010, and found that the electricity supply of the live connection No. 121018070885 and 12101807888 was extended to the premises earlier supplied electricity by the old disconnected connection no.100059165

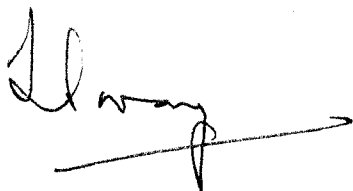


2.5 Connection K. No. 100059165, which existed in the name of Shri Surender Khurana was disconnected on 09.06.2010 due to non-payment of outstanding dues of Rs. 25,541/-.

The Respondent No.1 issued a notice dated 07.09.2010 to the Appellant Smt. Bindu Khurana and Smt. Sunita Khurana requiring them to pay the outstanding dues of connection No. 100059165, failing which these dues would be transferred to K. Nos. 121018070885 and 121018070888 connections of Smt. Sunita Khurana and of Smt. Bindu Khurana.

3.0 The Respondent No.2, Shri Surender Khurana filed a complaint before the CGRF-BYPL against the transfer of the pending dues of the disconnected connection K.No. 100059165 to the live connection 121018070885 on the grounds that these dues were payable by the Appellant who had actually been consuming electricity from the connection. However, the Appellant pleaded before the CGRF that the registered consumer, Shri Surender Khurana, and his wife, were using the electricity from the disconnected connection for commercial activities, and the dues were therefore payable by them.

The CGRF, after taking into consideration the records and arguments of the parties, vide its order dated 31.01.2011 directed, that the entire arrears of the connection of Shri Surinder Khurana along with the bill amount of Smt. Sunita Khurana upto the date of installation of the connection of Smt. Bindu Khurana i.e.

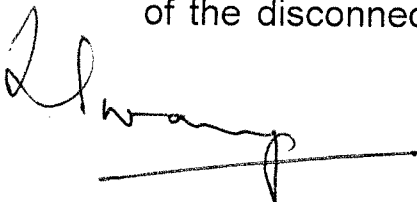


11.06.2010, be divided among the two connections of Smt. Sunita Khurana and Smt. Bindu Khurana in the ratio of the consumption recorded from 19.07.2010 to 14.01.2011, when both the parties had their separate individual meters. The bill amount of Smt. Sunita Khurana for 25 days i.e. from 17.05.2010 to 11.06.2010 was to be also worked out and paid on pro rata basis. The Respondent company was directed to transfer the bifurcated dues as above and no LPSC was to be charged. Both the parties were also directed to make the payment of the dues within 15 days of the receipt of the revised bills.

4.0 The Appellant, aggrieved by the aforesaid order of the CGRF dated 31.01.2011, has filed the present appeal, requesting for setting aside of the order.

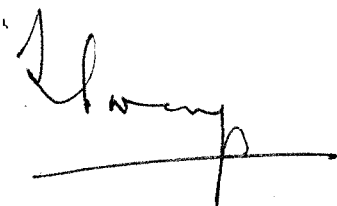
4.1 After perusal of the records and after obtaining the required clarifications from the parties the first hearing in the case was fixed on 28.06.2011. On 28.06.2011, the Appellant was represented by his son Shri Rahul Khurana. The Respondent No. 1 was represented by Shri Hitesh Ghosh (DGM), Shri Mukesh Tanwar, (Officer) and Shri Ravinder Singh (AG II). The Respondent No. 2 was represented by his wife Smt. Sunita Khurana and son Shri Ashutosh Khurana.

4.2 The Appellant Smt. Bindu Khurana stated that she had been regularly paying half of the electricity bill in cash to Respondent No. 2, as per their mutual agreement in respect of the disconnected electricity connection K.No. 100059165,



through which both the parties had been using electricity upto January 2010. She clarified that after shifting to the premises 242, Jagriti Enclave, Vikas Marg, Delhi- 110092 in October 2006, she was drawing electricity from the K. No. 100059165 of Respondent No. 2 upto January 2010 as per the order of the Hon'ble High Court of Delhi, dated 01.12.2006. The supply of electricity from K. No. 100059165 was discontinued in January 2010 when a new electricity connection was sanctioned in the name of Smt. Sunita Khurana for the ground floor. As such, till January 2010 electricity bills for this connection were shared equally by both the parties.

- 4.3 The Appellant also stated that despite her request in January 2010, the Respondent Discom sanctioned a new electricity connection to her only after six month's i.e. in June 2010. During the intervening period, she was using electricity through a generator.
- 4.4 The Respondent No.2 Shri Surender Khurana & Smt. Sunita Khurana admitted that all electricity bills were paid and settled up to January 2010. The dispute was only for connection no. 100059165 for the period January 2010 to June 2010. Since a new connection was sanctioned to them in January 2010 they ceased to draw electricity supply from this connection K.No. 100059165 in January 2010, and hence the dues after this date were not payable by them.
- 4.5 The Respondent No.1 on enquiry could not give any plausible reason for the following:

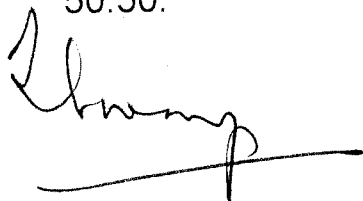


- a) Grant of two electricity connections for a single dwelling unit on the ground floor, one in the name of Shri Surender Khurana and one in the name of his wife Smt. Sunita Khurana.
- b) Delay in disconnection of the electricity connection No. 100059165 in the name of Shri Surender Khurana;
- c) Undue delay in the grant of electricity connection to the Appellant Smt. Bindu Khurana.

4.6 The Respondent No.1 was directed to submit the K. No. file and records pertaining to the sanction of the electricity connection to Smt. Sunita Khurana and the details of the readings of the electronic meters of the Appellant and Smt. Sunita Khurana, before the next date of hearing on 13.07.2011.

4.7 At the next date of hearing on 13.07.2011, the Appellant was represented by Shri Sanjeev Goyal, Advocate and her son Shri Rahul Khurana. The Respondent No. 1 was represented by Shri Hitesh Ghosh (DGM), Shri Mukesh Tanwar (Officer) and Shri Ravinder Singh (AG II). Respondent No. 2 was represented by his wife Smt. Sunita Khurana and son Shri Ashutosh Khurana.

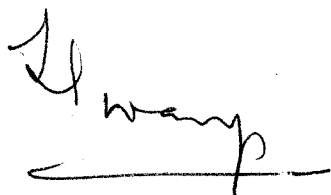
4.8 After hearing the contentions and arguments of the parties, it is clear that till January 2010, both the parties were using electricity from the disconnected connection K. No. 100059165 and paying all electricity bills in the proportion of 50:50.



The Discom officials were asked to carry out a site inspection of the premises to ascertain whether there was any use of electricity for commercial purposes by Respondent No.2 as alleged by the Appellant, and to submit the inspection report by 15.07.2011. They were asked to remove the disconnected connection no. 100059165 also and its meter to avoid any misuse, and also to take necessary action against the employees who were responsible for granting two electricity connections on the ground floor of the same premises.

4.9 On the next date of hearing 27.07.2011, the Appellant was present along with her son Shri Rahul Khurana. The Respondent No. 1 was represented by Shri Amit Kumar Verma (Manager), Shri Hansraj (Circle Incharge), Shri Mukesh Tanwar (Officer) and Shri Ravinder Singh (AG II). The Respondent No. 2 was present with his wife Smt. Sunita Khurana.

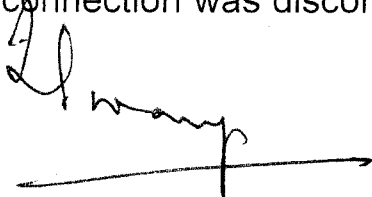
4.10 Both the Appellant and Respondent No.2 denied using any electricity supply from the disconnected connection no. 100059165 between the period January 2010 and June 2010. The Appellant stated that she had been sanctioned a separate electricity connection w.e.f. January 2010. Moreover, during the disputed period she was using supply through a generator. She alleged that the disconnected connection was being used illegally for commercial activities



by Shri Surender Khurana. The Respondent submitted the inspection Report which was taken on record.

5.0 It is evident from the perusal of the records and the inspection report as also and from the arguments of the parties that both the Appellant and Respondent No.2 were drawing electricity from the old disconnected connection K. No. 100059165 installed in the name of Shri Surender Khurana at the ground floor of the premises upto January 2010 and paying the dues on a 50:50 basis as per a mutual agreement. The dispute therefore pertains only to the payment of outstanding dues for the subsequent period i.e. from January 2010 to June 2010.

6.0 The Appellant claims that although she was not sanctioned a connection despite requests, she was drawing electricity through a generator. No evidence could be produced regarding use of a generator. The Respondent No. 2 claims that they had got a separate connection in January 2010 and the old connection was being used only by the Appellant & the dues were therefore not payable by them. The old connection No. 100059165 which continued in the name of Shri Surender Khurana was disconnected only in June 2010, but the supply was in use between January 2010 & June 2010 as is evident from the meter readings. Since both the parties have admitted that as per a mutual agreement they were sharing the bill of this connection upto January 2010, it would be fair and just if the dues after January 2010, till the time this connection was disconnected, are also shared in the same manner



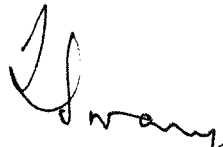


and in the same proportion. As such, in the interest of justice the Appellant and Respondent No.2 are directed to pay the outstanding dues of the old electricity connection for the period January 2010 to June 2010 in the ratio of 50:50. The Respondent No.1 is also directed to waive the LPSC and take necessary action against its employees who granted two electricity connections at the ground floor in the same premises in violation of the DERC Supply Code and Performance Standard Regulations 2007, and unduly delayed grant of an electricity connection to Smt. Bindu Khurana and disconnection of the supply from the old connection. From the inspection report, while misuse could not be established it is clear that the basement is being used as commercial storage and there is a possibility of misuse of electricity. The Discom should ensure that the domestic supply is not misused for commercial activities.

7.0 As the property dispute between the parties regarding the ownership of the premises are pending before the Hon'ble High Court of Delhi this decision is subject to any order and direction of the Hon'ble High Court of Delhi in the matter.

The Respondent No.1 is directed to implement this order within 21 days and to send the compliance report.

18<sup>th</sup> August 2011

  
(SUMAN SWARUP)  
OMBUDSMAN