

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/2011/423

Appeal against Order dated 18.04.2011 passed by CGRF–NDPL in CG.No. 3269/02/11/RHN.

In the matter of:

Shri Kavinder Sharma - Appellants

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant The Appellant was present in person

Respondent Shri K.L. Bhayana, Adviser,
Shri Shri Ajay Kalsi, Company Secretary,
Shri Aniruddh Sinha, HOG (R &C) and
Shri Vivek, Manager (Legal) attended on behalf of the
NDPL


Shri Mukesh Jain builder was also present

Date of Hearing : 12.07.2011, 29.07.2011

Date of Order : 11.08.2011

ORDER NO. OMBUDSMAN/2011/423

- 1.0 The Appellant, Shri Kavinder Sharma R/o Plot No.72, Ground Floor, Pocket – 10, Sector – 20, Rohini, Delhi – 110 086 has filed this appeal against the order of CGRF-NDPL, dated 18.04.2011 in CG No. 3269/02/11/RHN regarding transfer of dues amounting to

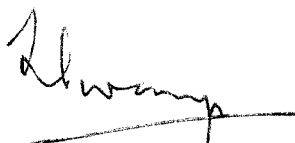

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Rs.6,953/- on pro-rata basis (Total amount Rs.20,859/-) of K.No.42100000631 of Smt. Shashi Madan, to his electricity connection bearing K. No.42307001943.

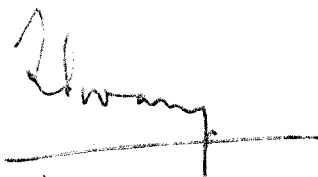
1.0 The background of the case as per the records is as under:

- i) The Appellant submitted a complaint before the CGRF-NDPL that the dues outstanding in the account of Smt. Shashi Madan bearing K. No.42100000631, which was energized on 28.03.2003 as a non-domestic connection (temporary), and was disconnected on 30.09.2005, were transferred to his account, and the amount of Rs.20,859/- was wrongly debited and not payable by him.
- ii) The Respondent submitted that the connection No. K. No.42307001943 sanctioned in the name of Sh. Mukesh Jain, the present user being the Appellant, was energized on 27.09.2003 in Flat No.72 (Ground floor) and the connection in the name of Smt. Shashi Madan was existing On Plot No.72, Pocket-10, Sector-20, Rohini bearing K.No.42100000631 (temporary) which was disconnected on 30.08.2009. This had outstanding dues amounting to Rs.20,859/-.

Further, it was found that the supply to the disconnected connection was extended from the live connection of the Appellant, and the outstanding dues were therefore transferred to his account.


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- iii) The Appellant also stated that the dues of the temporary connection which was energized for construction of six flats on the plot were not paid by the builder, Shri Mukesh Jain, and the same should be recovered from him.
- iv) The CGRF in its order dated 18.04.2011 decided that as per the Judgement of Hon'ble High Court of Delhi in LPA No.223-24/2006 dated 22.03.2006 Madhu Garg Vs. NDPL, the dues were payable by the successor-in-Interest. The connection bearing K. No.42100000631 in the name of Smt. Shashi Madan was existing at Plot No.72 where 6 No. flats had been constructed and six connections were released for each of the six flats before the disconnection of the connection of Smt. Shashi Madan. The outstanding dues, being dues against the premises, the same were payable by the Appellant on pro-rata basis alongwith other flat owners. The LPSC was however waived off. The revised corrected bill after charging 1/6th pro-rata amount in the account of the Appellant, was to be prepared and paid by the Appellant.
- v) The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal dated 28.04.2011 and has prayed that the electricity was consumed by Shri Mukesh Jain, the builder of the flats, thus this amount should be recovered from him.

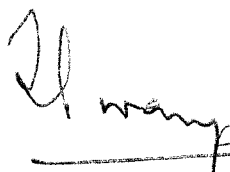

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2.1 After receipt of the comments from the Respondent on the Appellant's appeal, the case was fixed for hearing on 12.07.2007.

On 12.07.2011, Appellant was present in person. Respondent was represented by Shri K.L. Bhayana - Advisor, Shri Ajay Kalsie - Company Secretary, Shri Vivek - Manager (Legal) and Shri Aniruddh Sinha - HOG (R & C).

The Appellant stated that he purchased the flat on 29th September, 2003, from Shri Mukesh Jain, the builder. The Meter for a 1 KW connection in the name of Smt. Shashi Madan was sanctioned on 28th March, 2003 (as NL temporary connection). Further, six meters were also installed in the 6 flats constructed on Plot 72 on 27th September, 2003 in the name of the builder, and out of these four stand transferred to the individual flat owners, and two cases only were pending due to transfer of dues.

The Appellant stated that Smt. Shashi Madan was the earlier owner of Plot No. 72 and the connection No. 42100000631 was used by Shri Mukesh Jain for construction of 18 flats, including some on adjoining plots. The dues pertain to the period March, 2003 to 08.01.2005. However, in 4 of the flats, transfer of the connections to the flat owners was done without transfer of any dues in 2007.

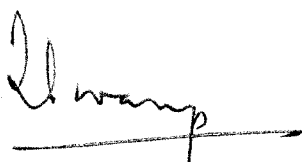

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The Respondent admitted that the dues were allowed to accumulate upto January 2005, when the connection No. 4200000631 was disconnected. The dues relate to the premises and should be distributed pro-rata on the six flat owners.

During the hearing, it came to light that Shri Mukesh Jain was residing in the same area. Accordingly, the Respondent was asked to produce the K. No. files for all the seven connections. A copy of the sale deed executed by the Appellant with the builder was also to be provided by the Appellant before the next date of hearing. It was decided that a notice be also issued to Shri Mukesh Jain to appear at the next date of hearing fixed for 29.07.2011.

- 3.0 On 29.07.2011, the Appellant Shri Kavinder Sharma was present in person. The Respondent was represented by Shri Bhayana - Advisor, Shri Vivek - Manager (Legal), Shri Aniruddh Sinha - HOG (R & C). Shri Mukesh Jain - builder was also present.

The Respondent stated that after reconciliation of the accounts it has emerged that an amount of Rs.5,784/- (after adjusting the security amount and waiver of LPSC) was only due against the disconnected connection of Smt. Shashi Madan. Shri Mukesh Jain stated that as per the provision of the sale deed he was ready to pay the dues of Rs.5,784/- for the connection of Smt. Shashi Madan, as full and final

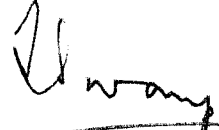

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payment, after adjustment of the security amount and waiver of LPSC.

In view of the foregoing statements, it was decided that the Respondent should transfer the connection no. 42307001943 existing in the name of Shri Mukesh Jain at Plot No.72 in favour of the Appellant Shri Kavinder Sharma owner of the Ground Floor, after completion of the commercial formalities, as per the DERC Regulations, 2007. During the hearing Shri Mukesh Jain has filed the NOC for transfer of this connection. Shri Mukesh Jain was directed to make the full and final payment of the outstanding dues of Rs.5,784/- within three days, for connection No. 42100000631 in the name of Smt. Shashi Madan

The appeal is accordingly disposed of. The Compliance Report may be submitted within 21 days.

11th August 2011


(SUMAN SWARUP)
OMBUDSMAN