

2011/428

OFFICE OF THE 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/2011/428

Appeal against Order dated 25.04.2011 passed by the CGRF–NDPL
in CG.No. 3252/01/11/SKN

In the matter of:

Shri Dalip Kumar

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant

The Appellant was present alongwith his Shri H.B.Jha, Adocate

Respondent

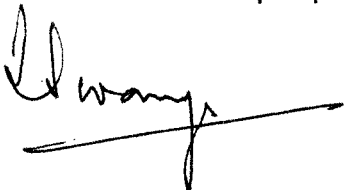
Shri K.L. Bhayana, Advisor,
Shri Vivek, Sr. Manager (Legal), and
Shri Vishal Mittal, Executive (HRB) attended on
behalf of the Respondent

Date of Hearing : 25.08.2011, 09.09.2011, 28.09.2011 &
14.10.2011

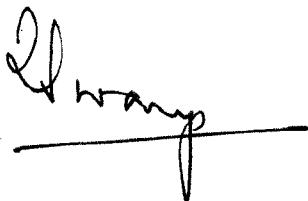
Date of Order : 08.11.2011

ORDER NO. OMBUDSMAN/2011/428

- 1.0 The Appellant, Shri Dalip Kumar, R/o L-30, First Floor, Shastri Nagar, Delhi – 110 052, has filed this appeal through his advocate Shri H.B. Jha, against the CGRF-NDPL's Order dated 25.04.2011 in C.G. No.3252/01/11/SKN, regarding grant of a new electricity connection with a sanctioned load of 4 KW for domestic purposes.



- 2.0 The brief facts of the case as per the records are as under:-
- 2.1 The Appellant had filed a complaint before the CGRF-NDPL regarding non-release of a new electricity connection for the First Floor of House No. 30, Shastri Nagar, Delhi. The DISCOM did not release the connection, as after verification of their records, the Discom found that there were pending dues in the same premises for connection bearing K.No.35300132612 in the name of M/s Akay Plastic, with outstanding dues amounting to Rs.77,318.34, and K.No.35300556072 in the name of Shri Kali Ram, with outstanding dues amounting to Rs.25,914/-. These were payable by the complainant, as per the Judgment dated 22.03.2006 of the Hon'ble High Court, Delhi in LPA No.223-24/2006 Madhu Garg and Ors. Vs. NDPL. As per the Discom's Inspection, it was found that there were four connections bearing K.No.35302130025, K. No.35300132613, K.No.35300145189 and K.No.35300556072 existing in the building.
- 2.2 The CGRF-NDPL in its Order dated 25.04.2011 in C.G. No.3252/01/11/SKN observed that the bill raised by the DISCOM upto reading '312880' as on 26.04.2003 against M/s Akay Plastic's connection amounting to Rs.14,687/-, stood paid, and noted that the consumer had submitted an application on 23.04.2003 for removal of the meter. The meter was removed on 14.06.2003. So, only the bill for consumption of 3 more units and other charges, such as Minimum Guarantee (MG) etc., as applicable, were payable by the consumer for the period 26.04.2003 to 14.06.2003. It also observed that the

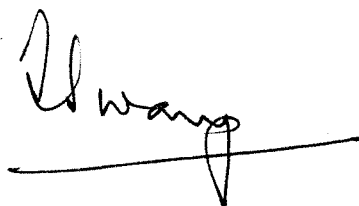


Forum had no jurisdiction for commenting on the issue of levy of misuse charges. It observed that the revision of tariff on account of levy of misuse charges of Rs.23,840/- was payable by the complainant. The LPSC was waived off. The revised correct bill was to be prepared by the DISCOM and delivered to the complainant. After payment of the revised bill, the demand note was to be issued, and the new connection was to be released within 15 days from the date of compliance of the demand note.

2.3 The Appellant, keeping in view the above Order of the CGRF-NDPL, has filed this appeal on 24.05.2011 and prayed to:

- a. Set aside the CGRF-NDPL's Order dated 25.04.2011, and to quash the bill payment of Rs.23,840/-;
- b. Energize the new electricity connection; and
- c. Grant compensation of Rs.2,50,000/- for all type of losses i.e. name, fame, goodwill and monetary loss, in the interest of justice.

2.4 The main issue involved in this case is levy of the MG + misuse charges after the consumer, M/s Akay Plastic, had requested for disconnection of the supply. The supply could only be disconnected on 14.06.2003. M/s Akay Plastic had paid the April, 2003 bill for the period 26.04.2003, at the reading of '312880'. The connection was disconnected at reading '312883' on 14.06.2003. On 01.05.2003, the consumer had deposited Rs.240/-, as inspection fee, as he had already requested for disconnection and for meter removal vide his



request dated 23.04.2003, sent alongwith the latest paid bill of April, 2003.

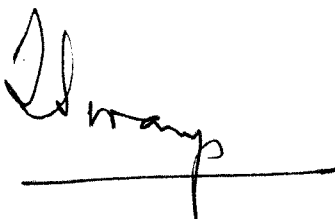
- 3.0 After receipt of the CGRF-NDPL's records, and the para-wise comments from the Discom, the case was fixed for hearing on 25.08.2011.

On 25.08.2011, the Appellant, Shri Dalip Kumar, was present alongwith Shri H.B. Jha, Advocate. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek Singh – Manager (Legal). Both parties argued their case. The Appellant was asked to file a copy of the Sale Deed and the current address of Shri R.K. Arora, the registered consumer, who had now shifted his unit M/s Akay Plastic to Bawana. The Respondent was asked to produce:

- i) Details of the dues.
- ii) Details of the four live connections, including the floors in which these are in use.
- iii) To furnish the reason for delay in raising the bill for the old dues.

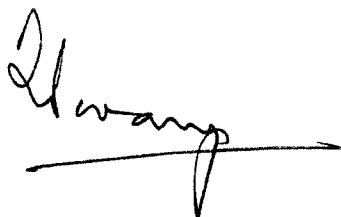
The case was fixed for further hearing on 09.09.2011.

- 3.1 On 09.09.2011, both the parties were present. The Respondent sought further time for giving the details of dues of M/s Akay Plastic, and for carrying out a site inspection for ascertaining the status of the existing live connections. The Appellant filed the Sale Deed and address of the vendor, Shri Ram Kishan Arora, owner of the M/s Akay Plastic, from whom



he had purchased the property. The Respondent was asked to check, whether the old dues of M/s Akay Plastic could be transferred to the vendor, who was also their current consumer in Bawana. The case was fixed for further hearing on 28.09.2011.

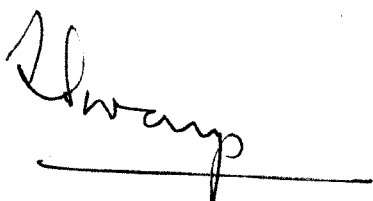
- 3.2 On 28.09.2011, both the parties were present. The Respondent was asked to also carry out a site inspection to confirm the K.No. of Shri Ram Kishan Arora, owner of M/s Akay Plastic at Bawana. The Respondent was also asked to recalculate the outstanding dues against M/s Akay Plastic and to produce a clear statement of dues. The case was fixed for further hearing on 11.10.2011.
- 3.3 During the course of the hearing, Shri Ram Kishan Arora, the vendor and owner of M/s Akay Plastic, who earlier was located at the premises of the Appellant also appeared in response to a notice. He stated that he had no objection to payment of any legitimate dues against M/s Akay Plastic which had the old electricity connection No.35300132612. The unit had been shifted to Bawana now, and a new connection K. No.405053448 was installed for the unit. The Respondent was asked to confirm the K.No. of M/s Akay Plastic from their record and they were asked to workout the outstanding dues and to raise the final bill for their earlier premises at Shastri Nagar. The case was fixed for further hearing on 11.10.2011.
- 3.4 As 11.10.2011 was declared a holiday, the case was adjourned to 14.10.2011 for further hearing.



On 14.10.2011, the Appellant was present alongwith Counsel, Shri H.B. Jha. The respondent was represented by Shri K.L. Bhayana - Advisor, Shri Vivek - Sr. Manager (Legal), Shri Vishal Mittal - Executive (HRB). The Respondent stated that the final dues of M/s Akay Plastic had been worked out to be Rs.27,376.73, and also reflected the misuse charges for the period 08.07.2002 to 23.08.2002, alongwith MG charges + LPSC. The amount was not demanded earlier on account of escaped billing, and was reflected in the final bill raised on 23.09.2003. The amount could not be recovered earlier from M/s Akay Plastic as the connection was disconnected, and the unit had shifted to Bawana.

The Appellant, Shri Dalip Kumar, during the hearing, requested that the new connection be given to him for the first floor of his premises, and also compensation be granted for the harassment he had needlessly suffered due to deficiency in service by the DISCOM. The delay in raising the final bill against M/s Akay Plastic had needlessly resulted in non-release of the new connection for his premises. The arguments were closed and the case was reserved for final orders.

- 4.0 Since, the previous owner i.e., the vendor of the premises, Shri Ram Kishan Arora, has agreed to pay the outstanding dues against his old electricity connection of M/s Akay Plastic, then located at Shastri Nagar, as per the provisions of the Sale Deed dated 11.08.2006, the amount due should rightly be transferred to the new electricity connection K.No.405053448 existing in the name of M/s Akay Plastic at Bawana, Since they were the

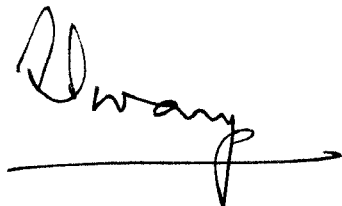


actual consumer. It is observed from the statement submitted by the Respondent vide their e-mail dated 10.10.2011, that the net recoverable amount has been shown to be Rs.27,161/- after adjusting the payment of Rs.8,000/- made on 01.07.2011 and CD adjustment of Rs.3,400/-. It is observed that this net recoverable amount also includes MG charges for the period 26.04.2003 to 14.06.2003 amounting to Rs.14,382/-.

M/s Akay Plastic paid the April 2003 bill for the period upto the 26.04.2003 at the reading of 312880. The connection was disconnected on R-312883 on 14.06.2003. In this context, the Appellant also deposited Rs.240/- on 01.05.2003, as inspection fee - as he had already requested for disconnection of the supply, and removal of the meter vide his request dated 23.04.2003, submitted alongwith the latest paid bill for April, 2003.

As per the DERC's Performance Standards Metering and Billing Regulations, 2002, under clause 23 – under the Head – Disconnection on Consumer's request it is stipulated as under:

- “(i) In case the consumer desires his connection to be disconnected, he shall apply for the same on the format prescribed by the Licensee.
- (ii) The licensee shall carryout the special reading and prepare the final bill including all arrears up to the date of such billing within 5 days from such request. Upon payment of



the final bill the licensee shall issue 'No Demand Certificate' to the consumer.

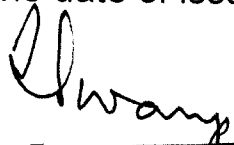
(iii) Thereafter, the licensee shall not have any right to recover any charge(s) for any period prior to this date of billing."

4.1 After hearing the parties and going through the records it is decided that:

- (a) In the instant case, the earlier consumer M/s Akay Plastic had sought disconnection of supply and removal of his meter in April 2003. As such, the MG charges are not recoverable for the period beyond 06.05.2003. These need to be recalculated by the Discom and correction accordingly made in the final bill on account of MG charges. The amount as per the revised bill be transferred to the connection of M/s Akay Plastic at Bawana for payment by Shri Ram Kishan Arora.
- (b) A new connection be released by the Respondent to the Appellant, Shri Dalip Kumar, after completion of all the commercial formalities by him, within 10 days.
- (c) A compensation of Rs.5,000.00 is awarded to Shri Dalip Kumar for the harassment suffered by him.

The appeal is disposed off accordingly. This order should be compiled with within a period of 21 days from the date of issue.

815 November 2011


(SUMAN SWARUP)
OMBUDSMAN