

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/2011/431

Appeal against Order dated 13.05.2011 passed by the CGRF–NDPL in
CG.No. 3304/03/11/SMB

In the matter of:

Shri Naveen Kumar

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant

The Appellant was presented in person

Respondent

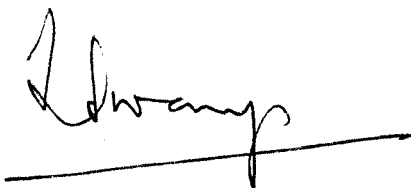
Shri K.L. Bhayana, Adviser, and
Shri Vivek, Sr. Manager (Legal) attended on behalf
of the Respondent

Date of Hearing : 26.08.2011, 16.09.2011, 29.09.2011, and
18.10.2011

Date of Order : 09.11.2011

ORDER NO. OMBUDSMAN/2011/431

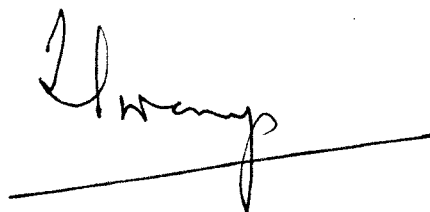
- 1.0 The Appellant, Shri Naveen Kumar, S/o Shri Om Prakash Tyagi, R/o Kh. No.30/12/2, Main Road, Bhagwan Park, Jharoda, Burari, Delhi – 110084, has filed this appeal through his advocate Shri B.K. Sharma, against the CGRF-NDPL's order dated 13.05.2011 in C.G. No.3304/03/11/SMB, regarding the transfer of wrong dues of Rs.96,100/- and Rs.1,02,270/- to his account for K. No.45504006186.



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 that dues have been wrongly transferred in his account for K. No.45504006186, pertaining to another disconnected connection bearing K. No.45505115647. According to the Discom, the connection bearing K.No.45505115647 was disconnected on 10.08.2009 with outstanding dues amounting to Rs.83,677/-. During verification, it was found that the supply to the disconnected connection was extended from the live connection of the Appellant bearing K. No.45504006186. The DISCOM, as per Regulation 49 (ii) of Delhi Electricity Supply Code and Performance Standards Regulations – 2007, issued a notice for transfer of these dues vide letter No.CENCARE/RRG/VP/Due.Tfr/32/3539 dated 08.09.2010.

2.2 The CGRF-NDPL after hearing the parties vide its order dated 13.05.2011 in C.G. No.3304/03/11/SMB, decided that the connections bearing K. No. 45505115647 and K. No. 45504006186 related to the same person and the same premises. In view of this, the dues of the disconnected connection bearing K. No. 45505115647 were payable by the complainant. The LPSC was however waived off. It was directed that a revised correct bill for the energy consumed was to be prepared in respect of K. No. 45505115647, the disconnected connection, which was payable by the complainant through connection bearing K. No. 45504006186. The LPSC of connection bearing K. No. 45504006186 was also waived off.

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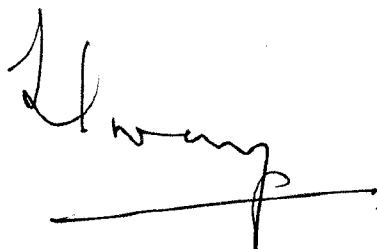
2.3 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal on 06.06.2011 and has prayed that:

- a) Stay be granted against disconnection of the electricity connection bearing K. No. 45504006186.
- b) To stay the operation of the impugned order dated 13.5.2011 passed by the CGRF-NDPL.
- c) To direct the DISCOM not to transfer the outstanding dues of the impugned bills of Rs.96,100/- and Rs.1,02,270/- raised by the Respondent for the disconnected connection to the account of electricity connection bearing K. No. 45504006186 installed at his premises.
- d) To pay a compensation of Rs.50,000/- on account of harassment, mental torture, pain, humiliation and for unfair trade practice, as well as deficiency in service.

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 26.08.2011.

On 26.08.2011, the Appellant, Shri Naveen Kumar, was present in person. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek Singh – Manager (Legal). Both parties were heard. The Respondent was asked to;

- a. Produce the K. No. file of the disconnected non-domestic connection No. 45505115647.
- b. Give the basis of arriving at the outstanding dues.



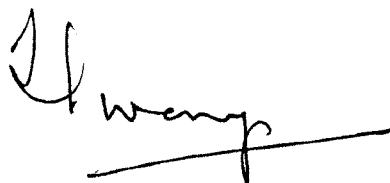
- c. To clarify how one meter was supplying electricity to 2 K. Nos., as the meter No. as per the records was the same for both.

The case was fixed for further hearing on 16.09.2011.

3.1 On 16.09.2011, both parties were present. The Respondent wanted more time to produce file of the K. No. 45505115647, and to review the billing for the connection. Accordingly, the case was fixed for further hearing on 29.09.2011.

3.2 On 29.09.2011, both parties were present and were heard. The Appellant stated that he had at present two live connections, and the disconnected connection No. 45505115647 had been wrongly shown in his name. The Respondent clarified that the K. No. file produced contains documents relating to the live domestic connection in the name of Smt. Kamlesh Devi the Appellant's mother, and does not pertain to the old disconnected connection, of which only the Meter Change Protocol was available. From the computerized statement produced, it was seen that for K. No.45505115647, meter No. was 280969 was installed on 17.04.2006 at reading '1'. The bills against this connection were not paid, and five cheques received against this connection were dishonored. No other record of this connection was available. The Respondent agreed to;

- a) Trace the record of K. No.455051115647 and to find out the particulars of the consumer whose cheques were dishonored.

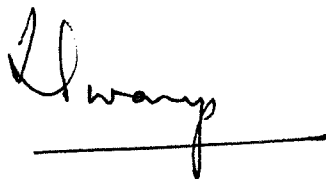


- b) To review the actual dues based on the meter disconnection protocol.

The case was fixed for further hearing on 18.10.2011.

3.3 On 18.10.2011, The Appellant was present in person. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek - Senior Manager (Legal), Shri Chiranji Taneja – Deputy Commercial Manager (SMB). The Respondent filed papers relating to the bouncing of four cheques issued by one Shri R. Kumar. The amounts due as per recalculation worked out to be Rs.35,432/- (including LPSC of Rs.8,029/-). The Appellant stated that the supply from this meter was used by one Shri Rajeev Kumar, who was a tenant and was now not traceable.

4.0 From the averments made by the Appellant and the perusal of the records, it is observed that meter No.280969 (SPD Meter) was allotted and energized on 10.02.2006 in favour of Smt. Kamlesh Devi, the mother of Shri Naveen Tyagi, and during take over of the SPD connection by the Discom, this meter was replaced by a new meter No.20048648. The K. No. file placed on record shows the SPD connection's details and the taking over of the connection by the NDPL. It also indicates the name of the applicant as Shri Naveen Tyagi whereas the same has been signed by Smt. Kamlesh Devi, his mother, inter-alia confirming that the SPD connection of Smt. Kamlesh Devi was changed in the name of Shri Naveen Kumar, as is also evident from the statement of account. It is also clear that Shri Naveen Tyagi and Shri Naveen Kumar are one and the same person.

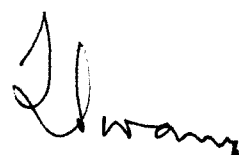


4.1 From the facts on record, it is evident that the old SPD connection was taken over by the NDPL and allotted K. No.45505115647. After disconnection of this connection, the premises was being fed by the new electricity connection bearing K. No.45504006186. This view has also been held by the CGRF-NDPL in its order and this does not warrant any change on the basis of the facts placed on record.

5.0 Accordingly, it is decided that the Appellant has to pay the dues as recalculated, for the old disconnected connection K. No.45505115647 which work out to Rs.35,432/- (including LPSC of Rs.8,029/-). The CGRF has already given relief to the Appellant by waiving off the LPSC, which amount to Rs.8,029/-, as per the recalculation. No further relief is called for.

6.0 The appeal is disposed off accordingly. The Compliance Report of this order may be submitted within 21 days.

9th November 2011


(SUMAN SWARUP)
OMBUDSMAN