

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/2011/432

Appeal against Orders dated 10.02.2011 & 21.04.2011 passed by the CGRF-NDPL in CG.No.: 3126/11/10/MGP & 3283/02/11/MGP respectively.

In the matter of:

Shri Jai Dev Mishra

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant

The Appellant was present in person, alongwith his advocate Shri B.K. Sharma

Respondent

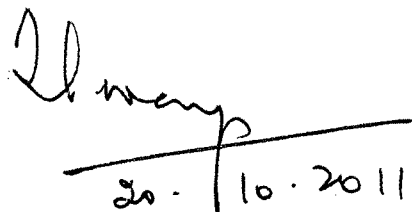
Shri K.L. Bhayana, Adviser, and
Shri Vivek, Sr. Manager (Legal) attended on behalf of the NDPL

Date of Hearings : 09.09.2011, 28.09.2011, 14.10.2011

Date of Order : 20.10.2011

ORDER NO. OMBUDSMAN/2011/432


- 1.0 The Appellant, Shri Jai Dev Mishra, S/o Shri Dev Prasad Mishra, R/o House No.N-277, Mangol Puri, New Delhi, has filed this appeal through his advocate Shri B.K. Sharma, against the CGRF-NDPL Order dated 10.02.2011 and 21.04.2011 in CG No.3126/11/10/MGP and No.3283/02/11/MGP respectively, regarding grant of a new electricity connection for commercial purposes/non-domestic light.


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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 for release of a new electricity connection at H.No.277, Block N, Mangolpuri, Near Kala Mandir, Delhi. The CGRF-NDPL in its Order dated on 10.02.2011 in C.G. No.3126/11/10/MGP decided that the dues outstanding as on 30.06.2002 against the earlier connection K. No. 4210087943 be withdrawn as the same had already been waived by the Govt. of NCT Delhi vide order No.F.11 (40)2007/Power/1278 dated 16/1905.08. The LPSC too was waived off. It was decided that a revised correct bill be prepared and the security deposit amount be also adjusted in the last bill, as the connection already stands disconnected.

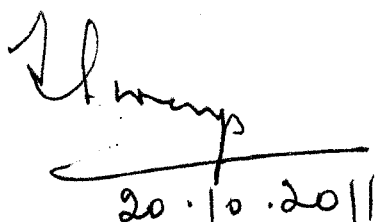
2.2 After that the Appellant again approached the Forum for release of a new electricity connection at the same address with a sanctioned load of 2 KW for non-domestic light. After verification of records, the Discom found that earlier there were two connections in the name of Shri Jai Dev Mishra in the same premises bearing K. No.42100187942 for domestic purposes with outstanding dues amounting to Rs.13,776/-, and K.No.42100187943 for non-domestic purposes, with outstanding dues amounting to Rs.5,387/- respectively. These were payable by the Complainant, as per Clause 15 (iii) and Regulation 20 (2) (iii) of Delhi Electricity Supply Code and Performance Standards Regulations, 2007 before sanction of a new non-domestic connection. The Appellant informed the Forum that he had paid the outstanding dues on 22.03.2011 and on 05.04.2011 respectively, but the demand note


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for a new non-domestic connection was not issued by the Respondent. The CGRF-NDPL in its Final Order dated 21.04.2011 in C.G. No.3283/02/11/MGP decided that the demand note be issued within a week's time as the outstanding dues shown pending against the premises, had already been paid by the complainant and it was decided that the connection be released within 10 days from the date of compliance of the demand note.

- 2.3 The Appellant, while keeping in view the above order of the CGRF-BYPL, has filed this appeal on 10.06.2011 and prayed that:
- a. Compensation of Rs.50,000/- for harassment, mental torture etc., and for unfair trade practice as well as deficiency in service, be given.
 - b. Action be taken against the guilty officers of the Respondent.
- 3.0 After receipt of the CGRF-NDPL's records and the para-wise comments from the Discom, the case was fixed for personal hearing on 09.09.2011.

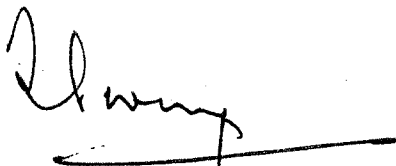
On 09.09.2011, the Appellant, Shri Jai Dev Mishra, was represented by his advocate, Shri B.K. Sharma. The Respondent was represented by Shri K.L. Bhayana, Advisor, Shri Vivek, Sr. Manager – Legal. Both parties argued their case. The Respondent sought time to produce the K.No. files, the details of dues and other documents relating to the two old connections. The Appellant was asked to produce the last paid bills for the old disconnected non-domestic connection, and for the existing domestic connection, the paid bill for July - August 2009. The case was fixed for further hearing on 28.09.2011.


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- 3.1 On 28.09.2011, both parties were present. The Respondent sought further time for production of the documents and details of dues. The case was fixed for further hearing on 11.10.2011.
- 3.2 As 11.10.2011 was declared a holiday, the case was adjourned for 14.10.2011 for further hearing.

On 14.10.2011, both the parties were present, and argued their case. The Respondent filed documents relating to the inspection, and the DAE dues as a result thereof, which were taken on record. The details of dues, after waiver of DVB dues and LPSC, were stated to be Rs.5,380/-. This amount had also been paid on 05.04.2011 by the Appellant. The new NL connection had been given on 26.05.2011. The Respondent stated that the connection could not given as per the CGRF-NDPL's Order dated 21.04.2011, as the amount as per the demand note dated 18.05.2011, was not deposited by the Appellant. The consumer made a request subsequently on 02.05.2011 for a new non-domestic connection, against which the connection was granted and energized on 26.05.2011

- 4.0 From the sequence of events as stated by the Respondent through their e-mail dated 12.10.2011, it is observed that the grant of a new connection was held up on account of the pending dues against the premises payable by the Appellant. When the Appellant applied for a new non-domestic electricity connection again on 02.05.2011, the same was sanctioned and energized on 26.05.2011. There is nothing on record to suggest that there had been harassment, mental torture, pain



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& agony, humiliation and unfair trade practice by the Respondent, as such, no compensation is called for.

Further, it is seen that the Respondent was well aware that the commercial/non-domestic connection had been sanctioned on 26.05.2011, and the misuse charges being levied on the domestic connection which was earlier being used for commercial purposes, were not leviable after 26.05.2011. In all fairness the misuse charges on the domestic connection bearing K. No.42100187942 should be removed from the date the commercial/non-domestic connection has been granted to the Appellant i.e. 26.05.2011 onwards. This has now been agreed to by the Respondent in their e-mail dated 12.10.2011. This order should be implemented within a period of 21 days from the date of issue.

The appeal is disposed of accordingly.

20th October 2011


(Suman Swarup)
Ombudsman