

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/2012/443

Appeal against Order dated 25.07.2011 passed by the CGRF—
TPDDL in CG.No. 3385/04/11/MDT

In the matter of:

Smt. Surender Kaur Appellant

Versus

M/s North Delhi Power Ltd. Respondent

Present:-

Appellant The Appellant was represented by Shri B.P.Agarwal,
Advocate.

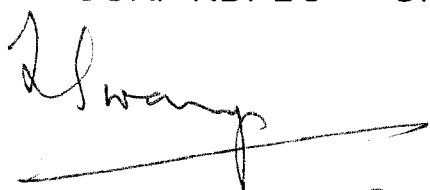
Respondent Shri K.L. Bhayana, Adviser, Shri Ajay Kalsi,
Company Secretary, and Shri Vivek, Sr. Manager,
attended on behalf of the Respondent

Date of Hearing : 24.11.2011, 17.01.2012

Date of Order : 25.01.2012

ORDER NO. OMBUDSMAN/2012/443

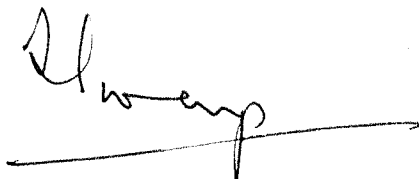
1.0 The Appellant, Smt. Surender Kaur, w/o Shri Sukhdev Singh, resident of 22/1, G.T. Karnal Road, 1st Floor, Surat Nagar, Behind Guru Nanak Piao Gurudwara, Delhi – 110009, has filed this appeal through her advocate Shri B. P. Agarwal, against the CGRF-NDPL's Order dated 25.07.2011 in C.G.


25. 01. 2012

No.3385/04/11/MDT regarding transfer of wrong dues of Rs.4,77,527/- to her account for K. No.31705090127.

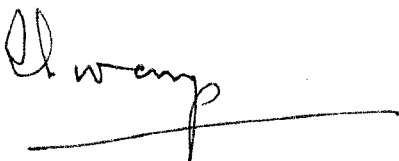
2.0 The brief facts of the case as per the records are as under:

The Appellant had filed a complaint before the CGRF-NDPL that dues have been wrongly transferred in her account for K. No.31705090127 (live), pertaining to another disconnected connection bearing K. No.31100124371. According to the Discom, the connection bearing K. No.31100124371 which was sanctioned in the name of Shri Mulakh Raj in the year 1962, who was the tenant of Smt. Surender Kaur, at Plot No.21, Surat Nagar, Delhi with a sanctioned load of 23 KW for non domestic purposes, was permanently disconnected on 20.02.2007 with outstanding dues, including misuse charges, amounting to Rs.4,77,527/-. The connection bearing K. No.31705090127 (live) was energized on 09.09.2006 in the name of Smt. Surender Kaur for the premises at 22/1, G.T. Karnal Road, Ground Floor, Surat Nagar, Delhi, with a sanctioned load of 11 KW for non-domestic light. During verification on 16.09.2010, it was found that the supply to the disconnected connection bearing K. No.31100124371 was extended through the live connection of the Appellant bearing K. No.31705090127, and there was also one more live electricity connection bearing K. No.31705090126 in her name at the same premises. The Discom, as per Regulation 49 (ii) of the Delhi Electricity Supply Code and Performance Standards Regulations – 2007, issued a



Show Cause Notice for transfer of these dues vide letter No.CENCARE/RRG/VP/Due.Tfr/32/15182 dated 08.11.2010. The supply was again found extended from the live connection of the Appellant, as per Connection Verification Report dated 29.03.2011.

- 2.1 The CGRF-NDPL after hearing the parties vide its Order dated 25.07.2011 in C.G. No.3385/04/11/MDT, decided that as per the Inspection Report, the premises where connection bearing K. No.31705090127 (live) and connection bearing K. No.31100124371 were installed was one premises open on two sides. A wooden partition was provided on a temporary basis to mislead in the case, as during inspection on 23.06.2011 there was no partition and electrical wiring was not physically separated which proves that both connections were existing in the same premises. The outstanding dues of the disconnected connection bearing K. No.31100124371 for the units consumed upto the date of disconnection, were payable by the complainant. The LPSC was waived off. The revised correct bill was to be prepared and the amount was to be transferred in the account of the complainant's account bearing K. No.31705090127. The amount already transferred was to be accordingly revised. The revised correct bill of K. No.31705090127 was to be also prepared and delivered to the complainant. The supply of connection bearing K. No.31705090127 was to be restored immediately with no



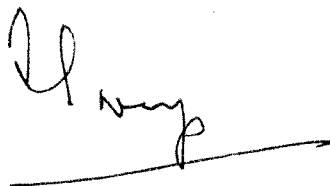
commercial formalities to be completed, as all the documents were available with the NDPL.

3.0 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal on 22.09.2011 and has prayed that:

- a. To accept the appeal of the Appellant and the order dated 25.07.2011 passed by the Hon'ble Consumer Grievance Redressal Forum in case bearing C.G. NO.3385/04/11/MDT may kindly be set aside and;
- b. To declare the impugned bill raised against electricity connection bearing K. No.31705090127 installed at premises No.22/1, G.T. Karnal Road, 1st Floor, Surat Nagar, Behind Guru Nanak Piao Gurudwara, Delhi – 110 009 as wrong, illegal, null & void and to be quashed and;
- c. To pass any other or further order which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case in favour of Appellant in the interest of justice.

4.0 After receipt of the CGRF-NDPL's records, the para-wise comments and the K. No. file of the connection, from the Discom, the case was fixed for hearing on 24.11.2011.

On 24.11.2011, the Appellant, Smt. Surender Kaur, was not present . The Respondent was represented by Shri K. L. Bhayana – Advisor, Shri Ajay Kalsie – Company Secretary &



Shri Vivek Singh – Sr. Manager (Legal). After hearing the Respondent they were asked to produce:

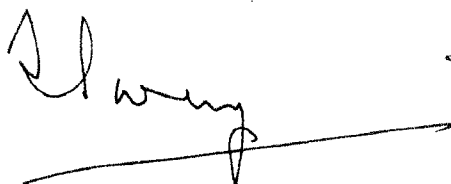
- i) The Original K. No. files of the three connections in the premises;
- ii) To give reasons for grant of three connections in the same premises.
- iii) The details of dues and to give reasons as to why these were not recovered earlier.

The case was fixed for further hearing on 19.12.2011.

4.1 After receipt of a request through e-mail on 19.12.2011 from Shri B.P. Agarwal, Advocate on behalf of the Appellant for seeking adjournment, the case was adjourned to 17.01.2012 for further hearing.

On 17.01.2012, the Appellant, Smt. Surender Kaur was present through Shri B.P. Agarwal – Advocate. The Respondent was represented by Shri K. L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager and Shri Gagan Sharma – Officer (Billing).

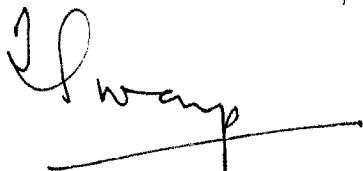
Both parties argued their case. The Respondent filed the documents relating to the consumption record. The Appellant placed a copy of the Hon'ble High Court of Delhi at New Delhi's Order in W.P.(C) No.6812/2008 date of decision 9th July, 2010 titled as Harpal Singh vs. North Delhi Power Ltd. before me to support her arguments, which was perused. It is



however seen that the facts and circumstances are different from the present case. The arguments were closed and the case was reserved for final orders.


- 4.2 From the facts on record during the hearing, it is seen that the premises are situated in an unauthorized colony having no proper demarcation/designation of the plots with respect to any premises number. It was ascertained only after physical verification of the plots that the premises where connection bearing K. No.31100124371 existed was being fed by the live electricity connection bearing K. No.31705090127, and the premises was one and the same. There is no reason for not relying on these inspection reports.
- 4.3 Further, it is observed that Shri Mulakh Raj was the tenant of the Appellant, Smt. Surender Kaur, as such, it is evident that after the vacation of the premises by Shri Mulakh Raj, the premises was in the possession of the landlady, Smt. Surender Kaur, the Appellant, and payment of all dues becomes her responsibility.
- 5.0 In view of the foregoing facts, the CGRF-NDPL's Order dated 25.07.2011, does not warrant any change on the basis of the facts placed on record and arguments of the parties.

It is however noted that there has been undue delay by the NDPL in disconnecting supply to K. No. 31100124371 resulting in accumulation of dues, and also in raising a bill.



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

25th January 2012.


(SUMAN SWARUP)
OMBUDSMAN