

**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/2012/445**

Appeal against Order dated 27.09.2011 passed by the CGRF–TPDDL in  
CG.No. 3561/06/11/MDT

**In the matter of:**

Smt. Savita Sharma

**Appellant**

**Versus**

M/s North Delhi Power Ltd.

**Respondent No. - 1**

Shri Lalit Kumar, Shri Sunil  
Kumar and Shri Praveen  
Kumar

**Respondent No. – 2**

**Present:-**

**Appellant**

The Appellant, Smt. Savita Sharma was represented  
by her husband Shri Kamal Sharma alongwith Shri  
B.K.Sharma, Advocate.

**Respondent**

Shri K.L. Bhayana, Adviser, Shri Vivek, Sr. Manager  
(Legal), and Shri Gagan Sharma, Officer (Billing)  
attended on behalf of the Respondent No. 1.

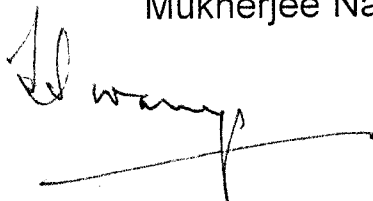
Respondent No. 2 were not present.

**Date of Hearing** : 23.01.2012

**Date of Order** : 30.01.2012

**ORDER NO. OMBUDSMAN/2012/445**

1,0 The Appellant, Smt. Savita Sharma, w/o Shri Kamal Sharma,  
resident of premises bearing No.743, Ground Floor, Dr.  
Mukherjee Nagar, Delhi – 110009, has filed this appeal through

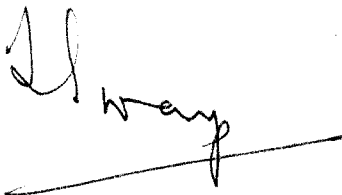


her advocate Shri B. K. Sharma against the order of the CGRF-NDPL dated 27.09.2011 in C.G. No.3561/06/11/MDT regarding transfer of dues amounting to Rs.1,90,304/- (Principal amount of Rs.80,401/- plus LPSC amount of Rs.1,09,903/-) of K. No.31400130391 of Shri Lalit Kumar, to her account for K. No.36405072252.

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

The Appellant had filed a complaint with the CGRF-NDPL that dues have been wrongly transferred in her account for K. No.36405072252, related to another disconnected connection bearing K. No.31400130391, registered in the name of Shri Lalit Kumar, disconnected on 15.09.2006.

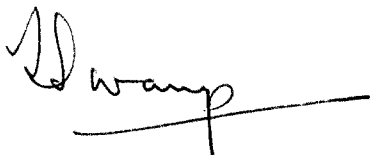
2.1 According to the Appellant, she had purchased the property bearing No.743, Ground Floor from Shri Lalit Kumar, Shri Parveen Kumar and Shri Sunil Kumar, all sons of Shri Gobind Parkash, through the registered Sale Deed executed on 02.09.1999. After that the premises remained vacant as she had applied for a new electricity connection, energized on 14.01.2006 vide K. No36405072252 with a sanctioned load of 4 KW for domestic light, installed at the Ground Floor only. Hence, the outstanding dues should be paid by Shri Lalit Kumar, being the registered consumer of the disconnected connection, and who is residing at the second floor at the same premises and his wife, Smt. Seema Bhatia and Shri Praveen Bhatia are the registered consumers of another electricity



connection bearing K. No.31400130393 with a sanctioned load of 3 KW for domestic light.

2.2 According to the Discom, the connection bearing K. No.31400130391 was disconnected on 15.09.2006. During verification it was found that the supply to the disconnected connection was extended from the live connection of the Appellant bearing K. No.36405072252. On the basis of the Connection Verification Report dated 28.03.2009, the Discom, as per Regulation 49 (ii) of DERC Supply Code and Performance Standards Regulations – 2007, issued a Show Cause Notice for transfer of these dues vide letter No.CENCARE/RRG/Due.Tfr./32/6436 dated 16.04.2009, and adjusted an amount of Rs.1,90,304/- in her electricity account vide Bill No.N-1103361308.

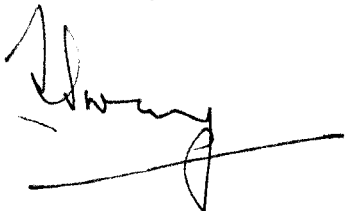
2.3 The CGRF-NDPL after hearing the parties vide its order dated 27.09.2011 in C.G. No.3561/06/11/MDT, decided that the connection in the name of Sh. Lalit Kumar bearing K.No.31400130391 was disconnected from the ground floor on 29.11.2001 at reading 53248 and the connection in the name of the complainant was installed at the ground floor so the dues outstanding were payable by the complainant. The bill of Sh. Lalit Kumar against connection bearing K. No.31400130391 was to be prepared by waiving off the outstanding dues as on 30.06.2002, and for the bill for the energy actually consumed during the period 01.07.2002 to 29.11.2004, upto the reading 53248, by levying month-wise slab-wise tariff. The LPSC was waived off. The revised correct bill was to be transferred in the



account of the complainant. The already transferred amount in the account of the complainant was to be prepared and delivered to the complainant within 21 days."

2.4 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal on 14.10.2011 and has prayed that:

- a) to accept the appeal and stay the operation of the impugned order dated 27.09.2011 passed by the CGRF-NDPL and;
- b) to declare the impugned bills of Rs.1,91,800/- and Rs.1,94,350/- raised by the NDPL in respect of her electricity connection bearing K. NO.36405072252, as wrong, illegal arbitrary, null & void and to be quashed and;
- c) to direct the Respondent not to transfer the alleged outstanding dues of Rs.1,90,302 pertaining to electricity connection bearing K. No.31400130391 in the name of Shri Lalit Kumar against the live connection K.No.36405072252 and;
- d) to restrain the Respondent from disconnecting the electricity supply in respect of her electricity connection on the basis of non-payment of alleged arrears and;
- e) to direct the Respondent to pay a compensation of Rs.50,000/- on account of harassment, mental torture, pain & agony, humiliation etc. and;



f) to pass any other or further order which this Hon'ble Commission may deem fit in favour of the Appellant in the interest of justice.

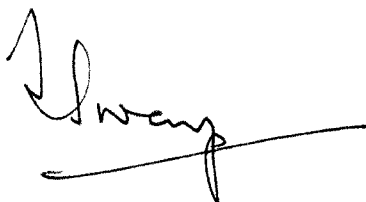
3.0 After receipt of the CGRF-NDPL's records, the para-wise comments and K. No. files from the Discom, the case was fixed for hearing on 20.12.2011.

On 20.12.2011, the Appellant, Smt. Savita Sharma, was represented by Shri B.K. Sharma, Advocate. The Respondent was represented by Shri Vivek – Sr. Manager (Legal). Both parties argued their case. The Appellant was asked to produce the proof of residence after 1999. The Respondent was asked to produce:

- i) K. No. files of all the four connections.
- ii) The K. No. summaries.
- iii) To clarify the period for which dues are now demanded, and payments made.

It was decided that a notice be issued to all the three brothers/vendors Shri Lalit Kumar, Shri Parveen Kumar and Shri Sunil Kumar, being the affected parties, to appear at the next hearing on 09.01.2012.

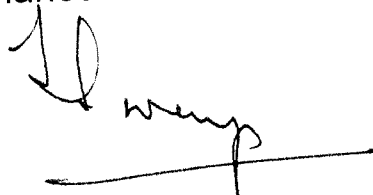
3.1 On 09.01.2012, the Appellant was present in person alongwith Shri B.K. Sharma – Advocate. The Respondent No.1 was represented by Shri K. L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal). All the three brothers, who were the earlier owners, were not present. The Respondent sought time



to produce documents asked for at the last hearing. These were to be produced by 17.01.2012. However, the Appellant filed documents regarding proof of residence which were taken on record. The case was fixed for further hearing on 23.01.2012

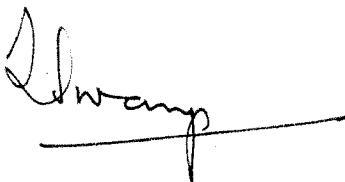
- 3.2 On 23.01.2012, the Appellant was present in person. The Respondent was represented by Shri K. L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal), Shri Gagan Sharma – Officer (Billing). Both parties argued their case at length. The arguments were closed and the case was reserved for final orders
- 3.3 During the hearing, the residential address proofs submitted by the Appellant i.e. photocopy of Voter Identity Card, various MTNL telephone bills and Receipts of the National Insurance Company Limited (NICL) show that telephone bills are in the name of Shri Kamal Sharma, husband of the Appellant, during the period of dispute (01.07.2002 to 29.11.2004 when the meter reading was 53248) and beyond i.e. for the period 15.03.1999 to 20.01.2006. The receipt of the National Insurance Company Limited is also in the name of Shri Kamal Sharma for the period from 10.11.2000 to 18.11.2006 alongwith other insured persons, showing the Appellant's and names of the other family members.

The above documents of residential address proof are at variance with the registered Sale Deed of the Ground Floor at

A handwritten signature in black ink, appearing to be 'S. K. Sharma', with a horizontal line drawn underneath it.

743, Mukherji Nagar, Delhi, which confirms the Appellant was a tenant in the premises in the year 1999. This sale-deed too was furnished by the Appellant, while filing the appeal, and there are no reasons to doubt the veracity of a registered document. The Appellant as per the Sale Deed executed in 02.09.1999, was already in occupation of the premises as a tenant. The consumption pattern after execution of the Sale Deed shows negligible to zero consumption upto 2001. Thereafter there is a sudden spurt in consumption upto August 2003, and after that there is zero to negligible consumption, till disconnection of the supply on 29.11.2004. This confirms use of the premises intermittently, and use of the supply as and when required. The property being owned by the Appellant, payment of dues for supply of the electricity is the responsibility of the Appellant. The following data establishes intermittent use of the supply.

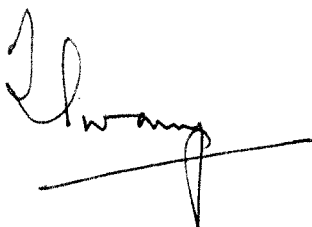
<u>Bill Month</u>	<u>Units Consumed</u>
August, 2000	1580
February, 2000	710
April, 2000	0
August, 2000	280
October, 2000	40
April, 2001	170
December, 2001	500
August, 2002	6220
October, 2002	6820
December, 2002	1850
February, 2003	1760
April, 2003	1510
June, 2003	3510
August, 2003	2090
October, 2003	0



December, 2003	60
June, 2004	15
August, 2004	1
October, 2004	7
December, 2004	5
February, 2005	0

4.0 From the above data and documents on record, and the contents/stipulation in the Sale Deed, it is evident that the Appellant was already a tenant in the premises at Mukherjee Nagar in the year 1999 at the time of the execution of the Sale Deed. The fact that the Appellant was responsible for payment of all previous dues, charges, taxes, arrears, house tax, electricity and water charges etc. which were to be paid and cleared by the vendors upto the date of registration of the Sale Deed, and thereafter it is the liability and responsibility of the vendee (i.e. Smt. Savita Sharma, the Appellant) to pay all dues and charges to the concerned authorities/departments, post execution of the Sale Deed. In view of this document, it is clear that the Appellant Smt. Savita Sharma being the owner, is responsible for payment of all electricity dues against the old disconnected connection K. No. 31400130391 installed in the premises. The CGRF-NDPL's Order dated 25.07.2011 therefore does not warrant any change.

4.1 Further, scrutiny of the summaries of the other two electricity connections bearing K. No.31400130392 & K. No.31400130393 shows that subsequent to disconnection of the disputed connection K.No. 31400130391 on 29.11.2004, the consumption data for the other two connections does not

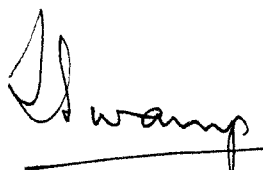




suggest any conspicuous variation in consumption, thereby establishing that there was no transfer of loads. As per the latest Statement of Accounts submitted by the Appellant for connection K. No.31400130391, the pending dues for the period 01.07.2002 till disconnection of the electricity connection i.e. 26.11.2004, are to the tune of Rs.55,350/-, and are payable by the Appellant, being the owner of the premises. There has however been delay by the Respondent in disconnecting the supply to this disputed connection, resulting in accumulation of dues, for which responsibility may be fixed by the DISCOM, and suitable action taken against the concerned official.

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

30<sup>th</sup> January 2012

  
(SUMAN SWARUP)  
OMBUDSMAN