

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/2012/473

Appeal against the Order dated 23.12.2011 passed by CGRF–TPDDL in CG.No.3806/10/11/PPR.

In the matter of:

Shri M. L. Pahwa - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: The Appellant, Shri M. L. Pahwa, was represented by Shri M. K. Gill, Advocate.

Respondent: Shri Vivek, Sr. Manager (Legal) and Shri Kundan Singh Rawat, Executive (RRG) attended on behalf of the TPDDL.

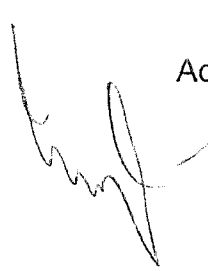
Date of Hearing: 04.10.2012, 18.12.2012

Date of Order : 26.12.2012

ORDER NO. OMBUDSMAN/2012/473

This appeal has been preferred against the order of CGRF dated 23.12.2011 in which the complaint of the consumer regarding non-applicability of Clause 49 (ii) of DERC Supply Code and Performance of Standards Regulations, 2007 for shifting of dues was dismissed.

The consumer is a registered consumer of electricity, K. No.34200127094. According to him, the DISCOM had informed him that dues to the tune of



Rs.4,23,057/- of a disconnected connection bearing K. No.34200901815, which was in the name of Shri Bajrang Dass, have been transferred into his account under Clause 49 (ii) above.

The DISCOM had claimed in the reply filed before the CGRF that it had conducted a site verification and the connection of the consumer was found supplying electricity to the disconnected connection of Shri Bajrang Dass who, it was stated, was the tenant of Shri M. L. Pahwa. Therefore, it had shifted the dues of the disconnected connection to the live connection under the above Clause of the Regulation.

A bare reading of the above Clause shows that the following 3 conditions should be fulfilled:

1. Inspection by the DISCOM to discover the supply through another connection.
2. A valid notice to the consumer with a proper service on him to discontinue such supply, as discovered above, and
3. Failing action on the above notice, transfer of old dues to the live connection.


In this case it is found that the alleged inspection report does not show the name of the DISCOM. Neither the name of the person conducting the inspection nor his designation have been mentioned. In the absence of this, the site verification loses its credibility. Further, no proper notice was served upon the consumer to stop supply and warning him that failure to do so may lead to the

dues being transferred. There is also no re-inspection report to show that the stoppage of such supply was checked after the above notice. Only then could the dues be transferred.

Apart from this, the contention of the DISCOM, at one place, that Shri Bajrang Dass was a tenant of Shri M.L. Pahwa, the consumer was found incorrect. In fact, the rent receipts show that Shri Bajrang Dass was the owner and Shri M. L. Pahwa as a tenant. There is variation in the stand of the DISCOM. To check the facts, the DISCOM was asked to file a clarification on the following points:

1. The efforts made by the DISCOM to recover the pending dues in the name of Shri Bajrang Dass from the year 2006 to 2010.
2. How an amount more than Rs.4,00,000/- was allowed to be accumulated against Shri Bajrang Dass on a 1 KW connection.
3. What relation was established between Shri M.L. Pahwa and Shri Bajrang Dass, based on single inspection in the year 2010?

The DISCOM has filed a very vague reply to the point no.1 only showing a disconnection notice issued. No actual disconnection took place, through which the defaulter could have been pressurized to pay the amount. There was no reply to the points 2 & 3, which shows a lethargic attitude on the part of the DISCOM which allowed the actual defaulter to go free while trying to get the amount from another consumer. This cannot be allowed.



Appeal is allowed to the extent that the dues transferred under Clause 49 (ii) above from disconnected connection to the live connection are set aside. The DISCOM shall refund the amount paid by the Appellant on this account immediately. The DISCOM shall be at liberty to recover above dues from the actual defaulter, as per law, if so advised.

Copy of this order be circulated to all the CGRFs for information in relation to the above provisions of the Regulation.



(PRADEEP SINGH)
Ombudsman

26th December, 2012