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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/2013/538

Appeal against the Order dated 03.12.2012 passed by CGRF–
TPDDL in CG.No.4572/08/12/NRL.

In the matter of:

Shri Jai Kishan - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Jai Kishan was present in person.

Respondent: Shri Vivek, Sr. Manager (Legal) and Shri Rajbeer Singh
Serwa, HOG (R & C) attended on behalf of the TPDDL.

Date of Hearing: 06.03.2013

Date of Order : 08.03.2013

ORDER NO. OMBUDSMAN/2013/538

The Appeal was filed by Shri Jai Kishan, S/o late Shri Tek Chand, H. No.43, Near Chaupal Chauhan, Village Bakoli, Delhi-110036, against the order of the Consumer Grievance Redressal Forum (CGRF) – TPDDL's order dated 03.12.2012 in which the CGRF had stated, '*the amount of misuse was settled in PHF, Bawana on 10.07.2012 so the settled amount alongwith bill for energy consumed be accepted and after deposit of the amount the connection of the complainant be restored within 21 days*'. This was challenged by the Appellant on the ground that there was no question of misuse and that charges should have been waived and that he has suffered loss due to discontinuation of power.

A hearing was held on 06.03.2012 in which the DISCOM pointed out that being a case of misuse under section 126 of the Electricity Act, 2003, neither the

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CGRF nor the Ombudsman have any jurisdiction in this matter. They also requested that the Interim Order for restoration of electricity passed by the Ombudsman on 06.02.2013 be reviewed/rectified. It is seen from the papers that the case does pertain to misuse of electricity under section 126 in which case the appeal lies in the Appellate Authority appointed under section 127 of the Electricity Act. It is also seen that the CGRF did not, in fact, adjudicate the issue on the merits of the misuse but merely noted that a settlement had been arrived at the Personal Hearing Forum (PHF), Bawana on 10.07.2012. They also noted that the settled amount, alongwith the current bill for energy consumed, be accepted and 'after' deposit of the amount the connection of the complainant be restored within 21 days. Merely recording/noting the events that have occurred as well as referring to the amounts so settled being paid in order to get his connection back would not amount to ruling on the merits of the misuse.

Ideally, the CGRF could have declined to issue any order and ask the consumer to approach the appropriate Appellate Authority which would, on settling the issue of misuse and the amount involved, automatically enable him to get his electricity restored. However, having done so no appeal lies to the Ombudsman as the matter is covered under section 126. The order to restore the electricity is, therefore, withdrawn and the case is closed.

The Appellant is free to go to appropriate Forum.


(PRADEEP SINGH)
Ombudsman


March, 2013