

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/2013/547

Appeal against the Order dated 07.02.2013 passed by CGRF–BRPL in CG.No.830/2012.

In the matter of:

Shri S. C. Pahwa

- Appellant

Versus

M/s BSES Rajdhani Power Ltd.

- Respondent

Present:-

Appellant: Shri S. C. Pahwa was present in person.

Respondent: Shri Avinash Kumar, General Manager, attended on behalf of the BRPL.

Date of Hearing: 19.03.2013

Date of Order : 04.04.2013

ORDER NO. OMBUDSMAN/2013/547

The Appellant, Shri S.C. Pahwa, S/o Shri S. P. Pahwa, resident of B-4/246, Safdarjung Enclave, New Delhi – 110029, filed a complainant before the Consumer Grievance Redressal Forum – BSES Rajdhani Power Limited (CGRF-BRPL) on which an order dated 07.02.2013 was issued for closing the case as he had already gone to the Consumer Dispute Redressal Forum (CDRF) on the same issues regarding unfair disconnection of electricity and compensation for this disconnection.

From the appeal filed, and the copy of the CDRF order enclosed with this appeal, it is seen that he was given a compensation of Rs.20,000/- and litigation charges of Rs.10,000/- by the CDRF vide its orders of 10.10.2012. However, he took up the same issues before the CGRF in January, 2013 as he claims he was not aware that he need not have gone to the CDRF but could have approached the CGRF which specifically deals with electricity cases. He claims that he has not accepted the compensation offered by the DISCOM and also states that the orders of the CDRF were not on detailed merits but were passed ex-parte as the DISCOM did not appear before the CDRF after filing its written statement. Hence, in the ex-parte order, the complainant did not get relief in full.

It is a fact that complainants, in such cases, have the option of going either to the CDRF or the CGRF and in this case he had filed the case before the CDRF. Having obtained certain orders in which he was given compensation it would not have been appropriate for the CGRF to intervene on the same issues. The CDRF had clearly recorded a finding of a deficiency on the part of the DISCOM. If the Appellant is dissatisfied with the quantum of compensation, he has the option of going before the State Commission where appeals would lie. He can ask for an enhancement of the compensation based upon all the difficulties brought out by him before the CDRF, and, subsequently, in this proceeding.

In the hearing held on 19.03.2013, the complainant showed a willingness to file an application relinquishing the findings and compensation awarded by the CDRF as a prelude to have the case heard afresh by the CGRF and to also

request that his going to the CDRF be treated as a mistake. This has not been filed and hence the orders of the CDRF will stand thus precluding any hearing on the same issues by the CGRF.

Under the circumstances, the orders of the CGRF are correct and this appeal cannot be upheld.

It would, however, be open to the Appellant to approach the State Commission with the full facts and seek their direction in quashing/modifying of the orders of the CDRF in giving him relief or allowing him to litigate the matter afresh before the CGRF.


(PRADEEP SINGH)
Ombudsman

4th April, 2013

