

(13)

**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/2013/553**

Appeal against the Order dated 01.02.2013 passed by CGRF-TPDDL in CG.No.4779/11/12/SMB.

In the matter of:

Shri Subhash Chander

- Appellant

Versus

M/s Tata Power Delhi Distribution Ltd.

- Respondent

Present:-

Appellant: Shri Subhash Chander was not present.

Respondent: Shri Vivek, Sr. Manager (Legal), Shri Chiranji Taheja, Dy. C.M. (Billing) attended on behalf of the TPDDL.

Date of Hearing: 09.04.2013

Date of Order : 23.04.2013

**ORDER NO. OMBUDSMAN/2013/553**

The Appellant, Shri Subhash Chander, resident of Kh. No.29/4/2, Sangam Vihar, Jharoda, Burari, Delhi, had applied in the Consumer Grievance Redressal Forum (CGRF) against the levy of a fine of Rs.5,000/- by the Tata Power Delhi Distribution Limited (TPDDL) regarding his connection CA No.60013057264. He contended that this fine was illegal and that he was put to a lot of inconvenience and harassment. He asked for its removal and also for a fine of Rs.10,000/- on the DISCOM as well as damages of Rs.10,000/- for harassment caused.

The facts of the case are that the connection of Shri Subhash Chander, which was energized on 31.07.2006, with a sanctioned load of 2 KW for domestic light, was said to have been disconnected by the DISCOM from the pole on 08.03.2011 for non-payment of bills raised. The DISCOM is said to have found the connection illegally restored during an inspection on 02.09.2011 and ordered the conversion of the status of the connection from disconnection with dues (DW)

(135)

to an O.K. status with alleged illegal restoration charges amounting to Rs.5,000/- levied which were to be adjusted in the account of the complainant.

The CGRF vide its order of 01.02.2013 ruled in his favour and directed the DISCOM to withdraw the illegal restoration charges and also directed that a revised correct bill be prepared. The complainant has now come in appeal on the ground that no fine/damages have been ordered by the CGRF and he was, hence, dissatisfied with the order. The DISCOM has opposed this claim of the Appellant against it for any fine/damages and has instead claimed that there is no appeal made out as the order of the CGRF is in his favour and no prima facie case of compensation exists.


The case was heard on 09.04.2013. The Appellant was not present as he informed telephonically that he was in another court. The DISCOM was heard and they reiterated the above points. Answers to a number of queries were sought from the DISCOM. Among them the DISCOM was asked under what provision of the regulations/acts, did they possess the power to levy a fine of Rs.5,000/- due to an alleged illegal restoration carried out by Shri Subhash Chander? The only provision available in the Electricity Act, 2003 is section 138 but this is a provision wherein a regular court has to penalize for an offence by imposing imprisonment or fine or both. Such an offence is made out if there is any interference with the meters or works of the licensee. In such cases, the DISCOM is required to collect evidence of the offence and approach the relevant court. This was not done.

The CGRF has noted in its order that there was no show-cause notice given/copy of the inspection report given/disconnection notice served on the Appellant and have therefore come to the conclusion that the disconnection said to have taken place on 08.03.2011 never happened and hence the illegal restoration charges cannot be adjusted in the account of the complainant. They accepted the plea of the complainant that the connection was never disconnected on 08.03.2011, there were no dues outstanding and that bills payable were issued on 13.07.2011 (upto a reading of 10288 till 21.06.2011) and on 25.08.2011 (upto a reading of 10911 till 19.08.2011) and these bills were

being paid. In other words, the CGRF has accepted the contention of harassment and inconvenience caused to the complainant. However, it has not passed a specific order on compensation arising out of this harassment and inconvenience and hence the Appellant has come to the Ombudsman.

Before anything is said about the issue of compensation, it may be noted that the CGRF failed to apply its mind to the powers available to the DISCOM for levying illegal restoration charges. As noted above, the only powers available in such cases are under section 138 and these are to be exercised by an appropriate court and not by the DISCOM. On a query to the DISCOM whether a connection lying disconnected due to non-payment of bills would attract any charges/fees for reconnection (if the consumers so desires) it was informed that only an amount of Rs.60/- becomes payable for reconnection after all dues are paid in the case of a disconnected connection. This is a far different number from the Rs.5,000/- levied by the DISCOM in this case as "illegal" restoration charges. It appears the DISCOM has vastly exceeded its powers and taken upon itself the powers of a Court. Even if the actual events on ground happened exactly as the DISCOM described them (a version that has not been accepted by the CGRF) the DISCOM had no powers to levy any such fine. At best, it could have reported the matter to the concerned court. The fact that it chose to levy an amount of Rs.5,000/- is a very serious violation. It is possible the DISCOM has been levying such restoration charges, which it is not authorized to do, in many other cases also and some consumers may actually have paid. It, therefore, becomes necessary to bring this to the notice of the DERC so that they can exercise their powers and take corrective action as required.

Insofar as the issue of compensation for harassment/inconvenience caused to the Appellant is concerned this seems to be borne out by the facts. An amount of Rs.2,000/- will be in order and this may be adjusted in the bill of the Appellant.

  
(PRADEEP SINGH)  
Ombudsman  
23rd April, 2013

(

(