

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/2015/670

**Appeal against the Order dated 09.10.2014 passed by the
CGRF-TPDDL in CG.No.6143/08/14/MTN.**

In the matter of:

Smt. Y. K. Ratna - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

**Appellant: Shri Vijay Pal Sharma, advocate, attended on
behalf of the appellant.**

**Respondent: Shri Vivek, Sr. Manager (Legal), Shri Anirudh
Kumar Sinha (Executive), attended on behalf
of the TPDDL.**

Date of Hearing : 06.01.2015

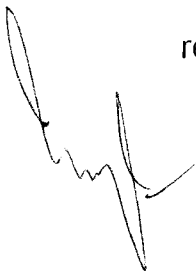
Date of Order : 12.01.2015

ORDER NO. OMBUDSMAN/2015/670

This is an appeal filed by Smt. Y. K. Ratna, W/o late Shri Y. Johnson, R/o 127, Hakikat Nagar, Delhi – 110009, against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF – TPDDL) dated 09.10.2014 in which the CGRF refused to hear the matter of change of name carried out by the TPDDL (DISCOM) on the ground that this is a property dispute and to which the complaint had objected.

The facts are that the complainant is living in the above-said premises since long (connection CA No.60003582503 energized on 03.01.2004) and the connection of the premises was in the name of her husband Shri Y. Johnson. Based on a request of one Shri Walait Ram, accompanied by various ownership and other documents, the name was changed on 03.01.2014. The record indicates Shri Walait Ram sold the property to Shri Balwinder Singh and Shri Jaswinder Singh even as his name was being inserted against the connection. On 14.02.2014 Shri Balwinder Singh and Shri Jaswinder Singh, the new purchasers, applied for further change of name of registered consumer from Shri Walait Ram to their name and this was agreed by the DISCOM on 30.07.2014. Subsequent to this the complainant objected to the name change on 12.05.2014 and the matter reached the CGRF which declined to intervene.

A hearing was held on 06.01.2015 and the DISCOM was asked to explain some of the issues surrounding the case as they had taken the stand that no NOC (No Objection Certificate) was required to be taken from the complainant. One of the issues that came to notice was that the security deposit in the name of Shri Y. Johnson had been adjusted, and transferred, to the new registered consumers. The DISCOM was asked whether this would be within the Regulations laid down since Clause 20 (1) (iii) of DERC Supply Code and Performance Standards Regulations, 2007 states that if no NOC is submitted from the registered consumer a fresh security deposit will have to be taken. It also specifies that the original security deposit shall be refunded to the original claimant. This is not the case in the present situation where no NOC from the existing registered consumer has been taken and his security deposit has also



been transferred to the newly registered consumer viz. Shri Balwinder Singh and Shri Jaswinder Singh.

Clause 20 of the above Regulation is meant to apply in cases of change of ownership/occupancy of the property. A reading of the Clause shows that it assumes that the change of ownership is uncontested. In the present case as soon as the complainant had filed an objection that no NOC had been taken from her the change became a contested one and it was incumbent upon the DISCOM not to intervene in the respective claims of both parties over the matter of ownership/registered consumer. Ideally, any change of consumer's name should be done after informing the existing registered consumer/occupant, especially if that person is still on the premises, and only subsequently should the matter be finalized. An ex parte name change has been seen to frequently give rise to such property dispute allegations. In the present case, the DISCOM could have easily reverted to the status quo ante on receipt of the objection. The DISCOM could have also noticed that they have violated Clause 20 (1) (iii) by passing on the security deposit of Shri Y. Johnson to the new registered consumer which is an illegality.

Keeping the above facts in mind, the registration of name in both cases viz. Shri Balwinder Singh and Shri Jaswinder Singh on 30.07.2014 and Shri Walait Ram on 03.01.2014 are both set-aside and the status quo ante is restored. Since the complainant is also claiming to be an owner, as stated during the hearing, the matter will have to be resolved in civil court and the DISCOM apprised of the final outcome for appropriate action regarding name change of registered consumer, if required.



The CGRF is advised to look into such issues in a little more detail as there is a clear violation of Clause 20 (1) (iii) of the DERC Supply Code and Performance Standards Regulations, 2007. This has been overlooked by them while taking the view that the matter is a property dispute and cannot be heard.

The appeal is accepted and the complainant is awarded an amount of Rs.5,000/- as compensation for having to undergo unnecessary litigation to correct an obvious illegality.



(PRADEEP SINGH)
Ombudsman

12/11 January, 2014