

Mr. Rambil

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Office of Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2006/81

Appeal against Order dated 28.03.2006 passed by CGRF – NDPL on CG.No.0617/01/06/SKN.

In the matter of:

Smt. Mamta Sethi - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri K.L. Verma father of the appellant and
Shri S.K. Goel, authorised representative of the appellant

Respondent Shri Sunil Kothari, Manager (CMG) and
Shri Suraj Das Guru, Executive (Legal) on behalf of NDPL

Date of Hearing: 29.11.2006

Date of Order : 06.12.2006

ORDER NO. OMBUDSMAN/2006/81

The appellant filed this appeal dated 28.4.2006 against CGRF's order dated 28.3.2006 stating that CGRF erred in deciding that the appellant / complainant is not entitled for any refund and also no compensation was awarded for not giving the connection as per DERC Regulations.

On perusal of contents of appeal, CGRF record folder and submissions made by both the parties, the facts of the case emerged as under:

The appellant purchased the Ground Floor portion out of property no.10732, Gali no. 13, Andha Mugal, Pratap Nagar through sale deed dated 9.7.2004.

The appellant applied for new connection vide application No. CC53359 sometime in the middle of 2004 but connection was not energized on the ground that

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an amount of Rs.1,14,437.32 is due as arrears of electric connection No. 35200136113Z of the premises.

The appellant was directed to make the payment of the arrears in instalments. The appellant made payment in four instalments under protest on 3.8.2004, 18.8.2004, 3.9.2004 and 18.9.2004.

Despite above payments, connection was not given. On the contrary the appellant was informed by the Respondent vide letter dated 10.10.2005 that there are outstanding dues of Rs.23,288.63 against K. No. 35200548402 and Rs.48,794.86 against K. No. 35200249822. As such the application for new connection can be considered only after settlement of these outstanding dues. The appellant replied to the Commercial Manager that she was not liable to make the above outstanding payments as she is not the beneficiary of the said two connections.

Thereafter, the appellant filed the complaint dated 6.1.2006 with CGRF with the prayer to direct the NDPL to install the electric connection against application No. CC53359 without insisting for the payment as per letter dated 10.10.2005 and to direct the Respondent to refund the amount paid under protest in four instalments alongwith interest and to award compensation as per DERC Regulations.

In reply to CGRF, NDPL stated that the release of new connection was withheld because of dues found pending against the connections as mentioned above.

It was further stated that the complainant has purchased the property from the registered consumer having K. No. 35200136113 therefore, he is liable to clear the dues of the previous owner. Further it was admitted that after perusal and analysis of the record, file has been cleared by the concerned department of the Respondent in regard to dues of Rs.23,288.63 against connection no. 35200548402 and Rs.48,794.86/- against connection no. 35200249822 and demand note will be issued shortly. Later on demand note was issued and on receipt of payment meter was installed on 23.3.2006.

After scrutiny of the contents of the appeal, the CGRF folder and the submissions made by both the parties, the case was fixed for hearing on 27.10.2006.

On 27.10.06, Shri K.L. Verma, father of the appellant attended along with Shri S.K. Goel – her authorized representative. Shri Sunil Kothari, Manager (CMG) alongwith Shri Suraj Das Guru, Executive (Legal) attended on behalf of the licensee company. The case was discussed.

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During the course of hearing, the DISCOM stated that an amount of Rs.1,14,437.32 was to be paid by the appellant as these were outstanding dues of Shri Hans Raj from whom the Appellant purchased the above property. Clause 6 of the sale deed specifically provides "that all the previous dues, demands, arrears, house tax, electricity charges, water charges etc. of the said property upto the date of execution of this sale deed shall be paid and borne by the vendor and thereafter the same shall be borne by the vendee". **In view of the above provision in the sale deed, the dues of Shri Hans Raj though paid and payable by the appellant Mrs. Mamta Sethi shall be recoverable by her from Shri Hans Raj. All the same, the outstanding dues outstanding of the said property are payable by the appellant as argued by the licensee company.**

The appellant was asked to clarify the date of her first application for a new connection with evidence of the same. The DISCOM was also required to submit reasons for delay in energizing the connection and how the case was cleared. This information was required to be submitted by 10.11.2006. The DISCOM submitted the required information vide this letter dated 14.11.2006.

The appellant failed to submit the required information nor did it communicate that it did not have the required information. The case was, therefore, fixed for hearing on 29.11.2006.

The appellant 's father Shri K.L. Verma, attended along with Shri S.K. Goel – her authorized representative .Shri Sunil Kothari, Manager (CMG) alongwith Shri Suraj Das Guru, Executive (Legal) attended on behalf of the licensee company.

Apart from the information submitted by the DISCOM vide its letter dated 14.11.2006, it also furnished a computer generated list enclosing details of several applications (from CC numbers 53354 to 55375) with the date and time of each of them . This list shows the application of the appellant at CC No. 53359 filed on 27.9.2005 at 1328 hours. The appellant was shown this record. Her representative was not been able to produce any evidence to refute this date and time evidenced by the Discom. Shri Goel, the authorized representative stated that he had no evidence for the date of first application and that he agreed to the records produced by the licensee company viz. 27.9.2005 as the date of first application for new connection.

From the above, it is clear that the appellant filed the application for new connection on 27.9.2005. Records produced by DISCOM show that site visit was carried out on 29.9.2005 but the meter was installed on 23.3.2006. The delay was on account of wrong demand made against 2 wrong connections of which the appellant was not the beneficiary. That this demand was made wrongly by the DISCOM was admitted and, therefore, correction was made and a fresh demand note was given to the appellant after payment of which the meter was installed at her premises.

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In view of the evidence produced by the discom there is delay of 6 months in giving the connection to the appellant. This is clearly in violation of Chapter II, para 4(v) of DERC Regulation. Regulation 38 (chapter IX) the DERC Regulation - 2002 (Performance Standards - Billing & Metering) provides a penalty of Rs.500/- payable by the licensee company for delay in energizing the connection. **Accordingly, the licensee is liable to pay a penalty of Rs.500/- to be deposited with DERC for the above violation.**

The appellant is awarded a compensation of Rs.1,000/- for the harassment caused in making demands against wrong connections of which she was not the beneficiary thereby causing delay in giving supply of electricity.

The order of CGRF is modified to the extent mentioned above.

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(Asha Mehra)
Ombudsman