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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/2006/95

Appeal against Order dated 8.05.2006 passed by CGRF – NDPL on CG.No. 0701/04/06/NRL) (K.No. 43205050782).

In the matter of:

Shri T.R. Bajaj - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri T.R. Bajaj

Respondent Shri Neeraj Sharma, HOG (R&C)
Shri S.S. Antil, Commercial Officer, Narela District
Shri Suraj Das Guru, Executive (Legal) all on behalf of NDPL

Date of Hearing: 17.10.2006

Date of Order : 02.11.2006

ORDER NO. OMBUDSMAN/2006/95

The Appellant Shri T.R. Bajaj has filed this appeal against CGRF Order dated 8.5.2006 in CG No. 0701/04/06/NRL in regard to K. No.43205050782.

The Appellant has stated in the appeal that the above connection obtained by him was being used by his tenant. The grievance of the Appellant is "why supply was not disconnected by NDPL officials on non-payment of Bills and dues were allowed and accumulate to Rs. 97,320/-. As per details mentioned in the appeal, the connection was energized on 25.4.05. Two payments were made for the bills on 20.6.05 and 20.07.05 for Rs.719.78 and Rs.1951/- respectively. Thereafter, no bill was paid and dues accumulated as mentioned above. Appellant states that on account of this deficiency of service in NDPL, he had to pay the above amount. Appellant made a request for removal of his meter on 6.3.06 the same was removed on 27.3.06. Appellant has sought imposition of penalty on account of deficiency in service. As no penalty was imposed by CGRF in its order, appellant has filed this appeal. Appellant has also requested

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for refund of security deposit against the above said connection and stated that he is not demanding the amount which he paid.

Hearing was held on 17.10.06. Appellant attended in person. Shri Neeraj Sharma, HOG (R&C) attended alongwith Shri S.S. Antil, Commercial Manager and Shri Suraj Das Guru, Executive Legal Cell all on behalf of the Respondent Company.

During the hearing the appellant stated that his tenant had failed to pay the bills from August 2005 to November 2005 and total dues accumulated to Rs.97,320/- which he had to pay because of negligence of staff of the licensee company who failed to recover the monthly electricity bills. Appellant argued that this failure to issue a notice of disconnection to his tenant was a violation of Regulation 22 of DERC Regulation 2002 "Performance Standards Billing and Metering) which provides that licensee company may issue disconnection notice to the consumer on default of payment of dues giving him 7 days notice to pay the dues. Thereafter, the licensee company may disconnect the consumer's installation on expiry of notice period.

It is the contention of the Appellant that the Licensee Company failed to issue a notice of disconnection to his tenant and it also failed to disconnect his electricity connection on the expiry of notice period if any. Shri Suraj Das Guru who represented the case of the Licensee Company stated that the word used in the Regulation 22 is "may i.e. the Licensee may issue notice of disconnection..... and the Licensee may disconnect consumer's installation.....thereby indicating that while this Regulation empowers the Licensee Company to adopt these steps to recover the dues, it is not mandatory on the part of the Licensee company to adopt these measures immediately upon the non payment of the electricity bill.

I agree with the above contention of Shri Suraj Das Guru. Although the Licensee Company should have collected the dues regularly but the Regulation referred to above does not make it mandatory for the Licensee Company to issue disconnection / notice / disconnect the installation on non-payment of some electricity dues immediately. I therefore hold that the appellant in whose name the electricity connection has been installed is responsible for the payment of the electricity bills in regard to connection sanctioned to him.

The Electricity connection was disconnected and the meter was removed on 27.3.2006 consequent to the Appellant's request made on 6.3.2006. **The final bill is stated to be issued for Rs. 3207/- in June 2006.** In the CGRF order it has been mentioned that the final bill was prepared for Rs. 5872/-. Shri Neeraj Sharma, HOG (R&C) clarified that although the final bill had been prepared for Rs. 5872/-, but an amount of Rs. 2665/- was wrongly charged as LPSC. This has now been deducted and therefore final bill is reduced to Rs.3207/-, as mentioned above.

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A Security Deposit of Rs. 30,000/- had been paid by the Appellant. It is ordered that after adjusting Rs. 3207/- being the final bill due from the Appellant, the balance amount may be refunded to Shri Deepak Bajaj, the registered consumer (Son of Shri TR Bajaj).

The Appellant further demanded interest on security deposit held for so long by the Licensee Company. Shri Guru referred to Section 47 (iv) of the Electricity Act 2003 according to which the Distribution Company shall pay interest equal to the bank rate or more as may be specified by the concerned State Commission on the security referred to in sub section (1) and refund such security on the request of the person who gave such security..... Shri Guru stated that the DERC had not yet specified the rate of interest on security and therefore no interest could be given to the Appellant. In this regard the officials of the Licensee Company were informed that Section 47 (4) referred to above makes it mandatory (shall) for the distribution company to pay interest equal to the bank rate or more on the security and refund the amount of security to the person who made the said payment. In this case since DERC has not notified a higher bank rate on refund of security, it is for the Licensee to pay interest equal to the bank rate on the amount deposited by the consumer for security deposit.

The Licensee Company is therefore directed to pay interest at the bank rate on the amount of Rs. 30,000/- - Rs 3207/- = Rs. 26,793/- w.e.f. 12.3.2003 i.e. five days after request made by the Appellant (6.3.2006).

The order of the CGRF is set aside.

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(Asha Mehra)
Ombudsman