

B/C

62

Office of 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/2007/207

Appeal against Order dated 31.07.2007 passed by CGRF NDPL on CG.No. 1336/07/07/SKN.

In the matter of:

Smt. Suraj Wati - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Sandeep Kumar Singh son of the Appellant

Respondent Shri H.C. Verma, HOG(Comml. & Mgmt.), Model Town
Shri V.K. Duggal, Manager Commercial, Shakti Nagar and
Shri Vivek Executive Legal were present on behalf of NDPL

Date of Hearing : 28.11.2007

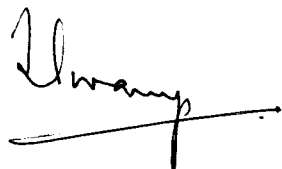
Date of Order : 30.11.2007

ORDER NO. OMBUDSMAN/2007/207

The Appellant Smt. Surajwati r/o E-2/210 Shastri Nagar, Delhi has filed this appeal against the order of the CGRF dated 31.07.07 in case CG no. 1336/07/07/SKN, as she could not get the relief sought from CGRF

1. The brief facts of the case are as under:

- 1.1) The Appellant is residing at E-2/210, Shastri Nagar, Delhi - 110 052 since 23.12.2005 when the premises was purchased by her from one Smt. Saroj Kanwar. A domestic electricity connection bearing K. No. 35300131414 is installed in the premises in the name of Smt. Sarala Devi. Since December 2005 Appellant has been paying the electricity charges regularly as per the consumption shown in the bills.



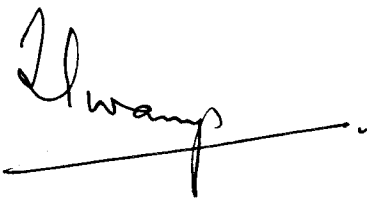
- 1.2) In April 2007, the Respondent issued a duplicate bill for an amount of Rs.7,766/- which included arrears of Rs.6,460/- for the period 17.07.2003 to 23.01.2004. The Appellant disputed the above arrear amount pertaining to the previous owner of the premises.
- 1.3) The Respondent stated in his reply that the connection was being misused and the bill for the period 17.07.2003 to 23.01.2004 was raised on normal tariff and the bill required revision due to levy of misuse charges which have now been revised. This is a case of escaped demand / billing.
- 1.4) The Appellant approached the CGRF for the redressal of her grievance. The CGRF in its order dated 31.07.2007, citing the order of the High Court in the case of Madhu Garg Vs. NDPL, decided that the present occupiers of the premises are liable to clear the outstanding dues of the previous consumer.

Not satisfied with the CGRF order, the Appellant has come up in appeal.

2. After going through the appeal, records of the CGRF and written submissions of the parties, the case was fixed for hearing on 28.11.2007.

The Appellant Smt. Surajwati was present through her son Sandeep Kumar. Respondent was present through Shri H. C. Verma HOG Town Circle, Shri Vivek Ex. Legal and Shri V. K. Duggal, Commercial Manager Shastri Nagar.

3. The arguments of both the parties were heard on November 28, 2007. The Appellant produced the bills for the period after December 2005 for domestic light connection, K. No. 35300131414 showing no misuse. He further stated that the Respondent has also installed a new commercial meter in 2006 in the same premises and no pending dues were shown on the existing meter, at that time also. A new meter is not sanctioned if there are dues pending against an existing connection in the same premises.
4. The Respondent could not explain satisfactorily the justification for recovery of misuse charges. The concerned officials of the Respondent submitted that the relevant records were not readily available with them. The Respondent was, therefore, directed to produce the Statement of Account from January 1996, onwards alongwith the report on action taken against 'misuse', including levy of misuse charges from January 1996, on the previous owner. The Respondent was also directed to inform the action taken to change the service line, if any, by 03.12.2007, since this case was according to the Respondent covered, under the 'Voluntary Load Declaration Scheme' announced in December 1995. Under this Scheme the previous owner had declared his load for industrial use, through an affidavit which formed the basis for levy of misuse charges as envisaged in the Scheme. The



Respondent however could not confirm levy of misuse charges on the previous owner or any action taken to improve the service infrastructure, as envisaged under the Scheme.

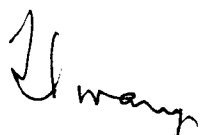
5. On 29.11.2007 a letter dated 28.11.2007 was received from the Respondent, enclosing a Memorandum of Settlement between the parties dated 28.11.2007 stating that the Respondent and Appellant have amicably resolved the issue and filed their Memorandum of Settlement, which states as under:

"The matter was discussed with Business Area Head (Town Circle) and it was decided to waive off the said amount of Rs.6460.11 along with LPSC amount of Rs. 501.79. Consumer will pay the energy bill.

Sh. Sandeep Kumar S/o Smt. Suraj Wati has submitted the authority letter and has agreed for the above decision. This particular matter is settled with the consent of both the parties on the aforesaid terms and conditions".

The matter is accordingly disposed off in terms of the above terms of the Memorandum of Settlement dated 28.11.2007 reached between the parties.

Dated
20th November 2007.


(Suman Swarup)
Ombudsman
20.11.07