

**OFFICE OF THE ELECTRICITY OMBUDSMAN**

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

(Phone – cum – Fax No.011-26141205)

**Appeal No. 25/2019**

(Against the CGRF-TPDDL's order dated 04.06.2019 in C.G. No.: 47/2019)

**IN THE MATTER OF**

**SHRI SACHIN TYAGI**

**Vs.**

**TATA POWER DELHI DISTRIBUTION LTD.**

**Present:**

Appellant : Shri Harangi Prasad, Authorized Representative

Respondent : Shri Gautam Jaiprakash, Sr. Manager (Legal) and  
Shri Kundan Singh Rawat, Asstt. Manager, on behalf of TPDDL.

Dates of Hearing: 24.10.2019

Date of Order: 30.10.2019

**ORDER**

1. The appeal No. 25/2019 has been filed by Shri Sachin Tyagi, the registered consumer (RC) through his authorized representative, Shri Harangi Prasad against the CGRF-TPDDL's order dated 04.06.2019 passed in C.G. No.: 47/2019. The issue concerned in the Appellant's grievance is regarding the restoration of the supply of the electricity connection disconnected on account of non-payment of dues by the Appellant.

2. In the instant appeal, the Appellant has stated that his electricity connection bearing CA No. 60000386999 installed at Kh. No. 121/21/1/1, Main market, Sant Nagar, Burari, Delhi - 110 084, was disconnected by the Discom (Respondent) temporarily without any show-cause notice and any intimation to him. The matter was pursued by him with the Discom number of times but the same was not connected and thereafter he was forced to file a complaint before the Forum on 12.03.2019. The Forum directed him to deposit the bill of Rs.14,650/-, which he deposited on 14.05.2019 but even then his connection was not connected.

He further submitted that he assumed that after the deposition of the said amount, as directed by the Forum, his connection will be restored automatically and therefore he did not file any rejoinder before the Forum during the hearing. But to his utter surprise, the Forum dismissed his complaint as withdrawn vide its order dated 04.06.2019. He also reiterated that despite depositing the bill with interest, the Discom did not restore the supply of his electricity connection till



date on one pretext or the other, even though many requests were made by him from time to time.

The Appellant further submitted that he again filed a review petition before the Forum on 28.06.2019 but the Forum did not take up the same and passed an order dated 05.09.2019 stating that there is no sufficient ground for review/restoration of the case and in view of the above he has preferred this appeal, with a prayer that the Discom may be directed to restore the supply to the electricity connection in the interest of justice at the earliest. The Appellant submitted a rejoinder on the date of hearing which has been taken on record.

3. The Discom in its reply has submitted that the present appeal has been filed by the Appellant challenging the order of the Forum, wherein his appeal was dismissed as withdrawn, since the Appellant himself had expressed that he did not wish to pursue the case. The Discom further reiterated that the Appellant is also guilty of suppressing the material facts of the case and hence his complaint needs to be dismissed on this ground alone. The Appellant has willfully ignored to reveal the date on which supply to his electricity connection was disconnected, a fact which is material to the instant case as the period for which a connection remains disconnected is essential to determine the status of the connection for the purpose of reconnection as per the relevant provisions. The Appellant has also not disclosed the fact that twice before approaching the Forum he had settled his case before the Permanent Lok Adalat and failed to honour the terms of settlement.

Further, as per the Discom, the appeal is also barred on the principles of estoppel as the Appellant having settled the matter in dispute, is barred from raising the same dispute before any court/forum. Also, the dues against the electricity connection in question were settled between the Appellant and the Discom vide a settlement award dated 01.11.2017 in case number EPLA-I/8758/2017 before the Permanent Lok Adalat. As per the settlement, the Appellant was to pay Rs.22,430/- on or before 10.11.2017 and two installments of Rs.15,000/- each on 10.12.2017 and 10.01.2018. But the first installment of Rs.22,430/- was paid by the Appellant only on 18.11.2017. Having failed to abide by the terms of settlement dated 01.11.2017, the Appellant again approached the same Forum in case No. EPLA-A/9887/2017 and vide order dated 05.12.2017, delay in making payment of the first installment was condoned and he also agreed to abide by the remaining terms of settlement. However, this time again he failed to honour the settlement as, after depositing the second installment of Rs.15,000/- on 09.12.2017 he failed to deposit any further amount. It was only after the Appellant failed to pay the last installment of the settlement award even after more than two weeks had elapsed from the scheduled date, the Discom disconnected the supply to his electricity connection. The supply to his electricity connection was disconnected on 25.01.2018 and as per the provisions applicable, the connection became dormant for the purpose of reconnection, in which scenario the Appellant is supposed to fulfill all the required commercial formalities of a new connection. For the connection to be reconnected as a continued contract, the Appellant was required to approach the Discom within a period of six months from the date of disconnection. Since the Appellant did not



approach the Discom and chose to remain silent for more than twelve months and thus his case is barred by limitation as regards his prayer for reconnection.

The Discom further argued that the supply to the electricity connection of the Appellant was disconnected on 25.01.2018 only after the Appellant failed to honour the award of settlement. It is also wrong to state on the part of the Appellant that he visited their office and pursued for getting the formalities completed for reconnection of his disconnected connection after he had deposited the required amount. Had he done so, they would have taken the required action for reconnection of the same immediately after the commercial formalities being completed by him. The averments of the Appellant regarding direction of the Forum to the Appellant to deposit a certain amount is unfounded on the basis of records available, as there is no such order issued by the Forum at any stage.

4. In view of above, it is concluded by the Discom that the Forum has rightly dismissed the review petition of the Appellant and the present appeal is also without any merits and should be dismissed on the sole ground that the case before the Forum was withdrawn by the Appellant himself and thus cannot be challenged by way of this appeal.

Finally, during the course of hearing the Discom however informed that a final bill has now been already issued for the disconnected electricity connection of the Appellant vide Bill dated 22.10.2019, wherein the actual pending energy consumption charges have been charged after adjusting the security deposit along with the interest accrued thereon and levy of fixed charges for the period of six months after disconnection of the connection on 24.01.2018 onwards without LPSC. The electricity connection can however now be released treating it to be a fresh/new connection since six months had elapsed after disconnection of the connection on 24.01.2018. During the hearing, the Appellant however objected to the levy of fixed charges of six months charged in the final bill by the Discom on the plea that since the electricity connection is already lying disconnected, these charges are not payable by him. It was also conveyed by the Discom that the Appellant is already in the process of completing the commercial formalities of a new connection and as soon as the final bill is paid by him along with the fresh security, the connection will be released without any delay.

5. After hearing both the parties and going through the material on record, the basic issue emerges is that the Appellant failed to honour the settlement awards before the Permanent Lok Adalat on two occasions and did not pay the required pending dues against his electricity connection. Since, the Appellant failed to pay the installments against his pending dues as per the settlement award, the Discom rightly disconnected the supply to his electricity connection on 25.01.2018. The connection was initially disconnected temporarily by the Discom but since the payment of dues was not cleared by the Appellant for more than six months after the date of temporary disconnection, the connection became dormant for the purpose of reconnection and as per regulations, the Appellant is now supposed to fulfill all the required commercial formalities of a new connection.



In the instant case, the Discom has acted as per the regulations and there is no deficiency in the services on their part. Further, since the Discom has already issued a final bill after adjusting the old security deposit along with interest accrued thereon and in turn the Appellant has also started the process of completion of the required commercial formalities for seeking a new connection, nothing survives in the matter to be adjudicated. The fixed charges levied by the Discom in the final bill, for the period of six months beyond the date of temporary disconnection have been rightly charged as per the regulations and the contention of the Appellant that the same are not payable by him is not in order and hence rejected. The Discom is, however, directed to release the new connection to the Appellant as soon as he clears the old dues as raised by them in the final bill and completion of all formalities required for the release of a new connection.

The appeal is disposed off accordingly.

  
(S.C. Vashishta)  
Electricity Ombudsman  
30.10.2019