

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/2013/493

Appeal against the Order dated 11.05.2012 passed by CGRF–TPDDL in CG.No.4050/02/12/MGP.

In the matter of:

Smt. Phool Bano - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Samrat Sunil, husband of Smt. Phool Bano, attended on behalf of the appellant

Respondent: Shri Vivek, Sr. Manager (Legal), Shri Vipul Singh, Executive (RRG) and Shri B.M. Bhatnagar, Secretary (CGRF) attended on behalf of the TPDDL

Date of Hearing: 16.10.2012, 05.02.2013

Date of Order : 12.02.2013

ORDER NO. OMBUDSMAN/2013/493

An appeal was filed by Smt. Phool Bano w/o Shri Samrat Sunil of I-55, Ground Floor, LSC Near Barat Ghar, Mangol Puri, New Delhi, against an order of the CGRF-TPDDL (Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited) dated 11.05.2012 which asked her to pay the old dues of disconnected connection bearing K. No.42100182018 (CA No.60009758131) of shop no.47 as the DISCOM had during inspection found supply being extended

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from her own connection bearing K. No.42104297017 (CA No.60001230220) to the area of shop no.47 served by the earlier disconnected connection.

She challenged the order on the ground that she did not have anything to do with shop no.47 which belonged to one Ms. Paro and was lying locked. She did however admit to being an owner of the premises of shop no.48 & 56.

A hearing was held on 16.10.2012 where the Appellant denied having anything to do with shop no.47. The DISCOM pointed to its inspection report of 09.11.2011 wherein it was recorded that other areas/shops, including shop no.47, were also being served from the connection in shop no.55. The sketch attached to the report of 09.11.2011 was not very clear and the DISCOM wished to provide further documents/photos/videos with dates and location details to finally decide the issue. The case was adjourned on the request of the DISCOM. A stay against disconnection was granted and the case was fixed for hearing on 10.01.2013. This was subsequently postponed to 05.02.2013.

In the hearing held on 05.02.2013, the DISCOM did produce certain photographs showing changes in the internal structures of the various shops, including some walls which were put up to segregate shop no.47. The DISCOM argued that all these changes took place subsequent to the Appellant approaching the CGRF which itself had got two inspections conducted on 11.04.2012 and 09.05.2012, before final orders were passed. However, the photographs produced, and the inspection report of 09.11.2011, do not meet the criteria laid down in rule/clause 49 (ii) of the DERC Regulations, 2007.

The requirement of rule/clause 49 (ii) is that three conditions should be fulfilled before transferring the dues under this clause:

1. Inspection by the Discom showing supply of electricity from live connection to a dead connection.
2. Show cause notice to a consumer and proper service of it to stop the supply failing which dues of the dead connection could be transferred to the live connection.
3. Re-inspection by the DISCOM showing stoppage /non-stoppage of such supply.

These criteria have not been met and hence the right to transfer dues from the dead connection bearing K. No.42100182018 (CA No.60009758131) in shop no.47 to connection bearing K. No. 42100182018 does not accrue to the DISCOM. The DISCOM may have to recover the dues from Ms. Paro of Shop no.47 separately through whatever processes would be available, if so advised. The appeal is therefore allowed to the extent of disallowing the transfer of dues and the order of the CGRF dated 11.05.2012 is set-aside. The DISCOM is, of course, free to conduct a fresh inspection and issue a fresh notice, if the cause of action continues.


(PRADEEP SINGH)
Ombudsman

12th February, 2013

