

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/2014/591

Appeal against the Order dated 29.11.2013 passed by the CGRF–
TPDDL in CG.No.5543/10/13/SMB.

In the matter of:

Shri Pramod Tyagi - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Date of Order : 10.01.2014

ORDER NO. OMBUDSMAN/2014/591

The Complainant, Shri Pramod Tyagi of Kh. No.57/13, Village Salempur Majra, Pradhan Enclave, Burari, Delhi – 110084, has filed an appeal against the order of the Consumer Grievance Redressal Forum - Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 29.11.2013 requesting for withdrawal of "misuse" charges and correction in the bill.

The Complainant had filed a case before the CGRF stating that he is the registered consumer having an electricity connection bearing CA No.60014888030 with a sanctioned load of 2 KW for domestic light installed at his premises. Although, he had applied for change of category from domestic to non-domestic on 14.02.2013, the TPDDL (DISCOM) had changed the same only on 22.04.2013. Consequently, misuse charges were levied. He had requested for withdrawal of "misuse" and correction in the bill.

The DISCOM in its reply before the CGRF stated that the said connection was checked by the Enforcement Team on 09.03.2013 and was found being used

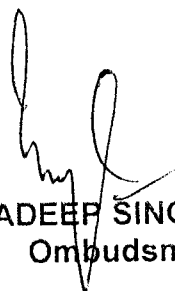
for non-domestic (commercial activity), as per inspection report. Accordingly, a show-cause notice under Section 126 of the Electricity Act, 2003 was issued which the Complainant had refused to accept.

The CGRF took the view in its order that "refusal" of notice is equivalent to delivery and asserted it had no jurisdiction in the case, being a misuse case.

In his appeal before this office, the Complainant has argued that the bill for Rs.27,600/- due on 24.09.2013 is incorrect, wrong and excessive. He claimed the company did not disclose any misuse during the pendency of the case before the CGRF but is claiming misuse after changing the category.

The papers have been seen. The CGRF has to be conscious that even where it had no jurisdiction under Section 126, it can certainly look into the fact of delay in granting the Commercial connection, after a written request on 14.02.2013. It appears that the CGRF has not looked into the facts such as whether it is a misuse case or not based on documentation and from which date the Complainant applied for "regularizing" the misuse by converting it to a proper Commercial connection. That much is within their power to do. The CGRF should pass specific orders on the facts such as the date from which the Complainant is entitled to get a Commercial connection. This will have an effect on the bill to be paid. The CGRF need not go into the misuse issue for the remaining period, if it finds, on examining the data that the case is actually one of misuse.

In view of the above facts, the case is remanded back to the CGRF to pass an appropriate order on the issues involved.


(PRADEEP SINGH)
Ombudsman
10th
January, 2014