

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/2014/598

Appeal against the Order dated 23.12.2013 passed by the CGRF–TPDDL in CG.No.5567/11/13/KPM.

In the matter of:

Shri Kailash Chand Goyal - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Kailash Chand Goyal was present alongwith his advocate, Shri P. L. Kalra.

Respondent: Shri Vivek, Sr. Manager (Legal) & Shri Ritesh Niranjana (Client Manager) attended on behalf of the TPDDL.

Date of Hearing : 18.03.2014

Date of Order : 21.03.2014

ORDER NO. OMBUDSMAN/2014/598

The consumer/appellant, Shri Kailash Chand Goyal, S/o Late Shri Rama Nand Goyal, R/o 98-E, 2nd floor, Near Narula Tent House, Kamla Nagar, Delhi – 110007 has filed an appeal against the order of the Consumer Grievance Redressal Forum - Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 23.12.2013, not accepting his view on fixed charges resulting from disconnection due to non-payment of bills.

In the present appeal, the consumer/appellant has sought an order reversing the CGRF order dated 23.12.2013 allowing the fixed charges for the

period from October, 2012 to April, 2013 when his connection remained disconnected on the ground that no show cause notice was given under Clause 27 of the DERC Supply Code and Performance Standards Regulations, 2007. The contention of the appellant was found incorrect because this clause states that such a notice can issue only after 180 days (6 months) of disconnection. It is only after this 180 days, that a notice will issue and only when the DISCOM disconnects the supply permanently that the consumer shall not be liable to pay any further fixed charges. But in the present case the supply was restored by the DISCOM within 6 months (in April 2013) of its temporary disconnection. Therefore, the fixed charges, as determined by the CGRF, are payable and no relief on this ground is available.

Secondly, the appellant had sought interest on the security amount (refunded due to reduction of load) under Section 47 (4) of the Electricity Act, 2003. This prayer is a sound one and the DISCOM is bound to pay interest, suo-moto, at the bank rate from the date of deposit to date of refund, which the DISCOM has not done. It is hereby ordered that the DISCOM shall pay the above interest on the refunded security amount immediately. The DISCOM should ensure that in similar, future, cases, interest is paid as required by statutory provisions. Any violation would be viewed seriously.

Copy of this order be forwarded to the CEO for appropriate action on his part.


(PRADEEP SINGH)
Ombudsman

21st March, 2014