

**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/2014/607**

Appeal against the Order dated 27.01.2014 passed by the CGRF–TPDDL in CG.No.5511/09/13/MGP.

In the matter of:

Shri Pramod Kumar Gupta - Appellant

Versus

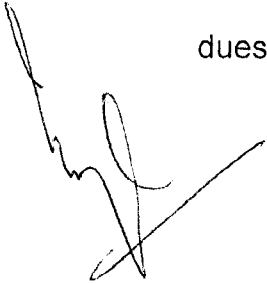
M/s Tata Power Delhi Distribution Ltd. - Respondent

Date of Order : 26.03.2014

**ORDER NO. OMBUDSMAN/2014/607**

This Complaint was filed by Shri Pramod Kumar Gupta, S/o Shri Sri Kishan Gupta, Shop No.1/1, First Floor, DSIDC Sultan Puri Industrial Area, Delhi – 110041, against the order of the Consumer Grievance Redressal Forum - Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 27.01.2014.

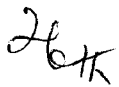
This is an appeal preferred against the order of the CGRF in which his plea against disconnection in 2009 for alleged non-payment of dues on a newly purchased house and a plea for release of a new connection in the same premises was not accepted by the CGRF on the ground of there being "theft" dues.



This office has repeatedly distinguished, in the cases of Shri Loon Karan Jain and Shri Tara Chand et al., between "theft cases" (where the demand is being asked directly from the accused/actual defaulter) and "dues on premises" (where the demand is being asked under different clauses of DERC Supply Code and Performance Standards Regulations, 2007). Only in the first case does the CGRF have no jurisdiction; in the second case it has full jurisdiction to ascertain as to whether the demand is being asked legally or not. In the present case the CGRF should have duly looked into the property papers filed by the former registered consumer i.e. Shri Prem Prakash Gupta, when he had applied for a connection and the sale deed (purchase deed) filed by Smt. Sushma, for her new connection to ascertain as to whether the property on which the alleged "dues on premises" are being asked by the DISCOM is the same or not. This was not settled by the CGRF. Now the Complainant has approached this office in the matter. A conclusive finding of fact first needs to be arrived at about the identification of the property in question alongwith the issue of dues.

The case is, therefore, remanded back to the CGRF for deciding the issues in the light of above observations.

  
(PRADEEP SINGH)  
Ombudsman

  
March, 2014