

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.692/2015

IN THE MATTER OF:

Shri Dharam Deo Ojha - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

(Appeal against Order dated 11.02.2015 passed by CGRF-BRPL in CG.No.05/2015)

Present:-

Appellant: Shri Dharam Deo Ojha was present in person.

Respondent: Shri Narendra Paliwal, G.M. (B) & Shri Saurabh Pathak, A.M. (PS), attended on behalf of the BRPL.

Date of Hearing : 30.06.2015

Date of Order : 28.07.2015

ORDER

This appeal has been filed by Shri Dharam Deo Ojha, tenant of Flat No.3, Pocket – 13, LIG D.D.A. Flats, Phase – I, Dwarka, New Delhi – 110045, against the order of Consumer Grievance Redressal Forum – BSES Rajdhani Power Ltd. (CGRF-BRPL) dated 11.02.2015 in which his request for a huge compensation and disciplinary action against the BRPL officials for mental harassment as well as monetary loss has not been accepted. The CGRF had refused to intervene in the matter on the ground that the matter is subjudice before the High Court and the problem had been resolved by way of restoring the connection after

payment on 28.01.2015 and installing a new meter on 30.01.2015. Hence, the case was closed and it was mentioned that the CGRF has no jurisdiction as a case is pending in the High Court.

The brief facts of the case are that the appellant approached the CGRF on 24.12.2014 for reinstallation of his electricity meter/reconnection of his electricity supply without any charge as this had been allegedly disconnected on 26.11.2014 illegally in his absence without prior intimation. He, a senior citizen and occupier since 2006, claimed this resulted in great inconvenience and loss for which he claimed a huge compensation to be awarded.

The DISCOM argued before the CGRF that a recovery notice dated 20.10.2014 was served to the registered consumer, Ms. Rosy Vegas, on 13.11.2014 and the connection was disconnected on 26.11.2015 due to non-payment. Afterwards, on payment being made on 28.01.2015, and on completion of commercial formalities, the connection was restored and a new meter installed on 30.01.2015.

Dissatisfied with the CGRF's order, the complainant approached this office praying for huge compensation as the CGRF had overlooked his points and dismissed his claims.

In the hearing held on 30.06.2015, both the parties were heard. It is seen from the documents given by the DISCOM that the notice dated 20.10.2014 for disconnection of electricity under Section 56 (1) of the Electricity Act, 2003 was addressed to the registered consumer, Ms.

Rosy Vegas, at her address in Mangla Puri, Dwarka but there appears to be a delivery on 30.12.2014 of a letter dated 20.12.2014 to Ms. Rosy Vegas at a residential address in Basant Enclave, Basant Vihar, New Delhi. Earlier, the record shows some "Recovery Notice" having been sent to Ms. Rosy Vegas at Dwarka on 13.11.2014. There does not appear to be any delivery record of the disconnection notice dated 20.10.2014 at the Dwarka address, which is the address where the connection is installed.

The Electricity Act, 2003, Section 56 (1) states that "any person" neglecting to pay requires a 15 days clear notice in writing for disconnection by the DISCOM. The word "person" can obviously refer to the registered consumer but cannot exclude the occupant of the premises. This is made clear by the wording of Section 56 (2) where it is stated that recovery of dues of more than two years cannot be made from "any consumer". The words "any person" ^{are} ~~is~~ not used in Section 56 (2). Thus, it is clear, the ambit of 56 (1) is wider than that of Section 56 (2). It is, therefore, incumbent upon the DISCOM to ensure that the notice regarding disconnection under Section 56 (1) is delivered only at the address on which the connection is installed so that either the consumer or the occupier, as the case may be, can receive it. In the present situation, with the records made available by the DISCOM showing that some letters have been delivered to the registered consumer, Ms. Rosy Vegas at Basant Enclave in Basant Vihar, New Delhi and some at Dwarka it is not clear where the notice of 20.10.2014 was finally delivered, whether in Basant Enclave, Basant Vihar, New Delhi, or in Mangla Puri, Dwarka, where the connection exists. It is, therefore, entirely possible that the complainant did not receive the notice as he is

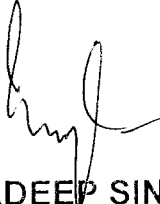
said to have been away from his residence. It is not even clear whether the notice went to the Mangla Puri, Dwarka address.

It is not enough for the DISCOM to state that the registered consumer has been intimated at her Basant Enclave, Basant Vihar, New Delhi address and this is adequate for legal purposes. As stated above since Section 56 (1) requires that "*any person*" can be involved in the non payment of the electricity dues and this person may be the occupant of the premises who may be different from the registered consumer it is clear he also needs to be kept informed. Thus, intimation to the registered consumer at an address different from the premises at which the electricity connection is installed is not adequate to satisfy the intent behind Section 56 (1). Some inconvenience, therefore, appears to have been caused to the appellant by the confusion over notices and appropriate address.

However, it is not clear why the complainant waited from 26.11.2014, on which the day the meter is supposed to have been wrongly removed, till 28.01.2015 to make the payment of the outstanding dues. Had he made the payment immediately on disconnection the electricity would have been restored within a day or so which is what happened in January, 2015 when the new meter was installed on 30.01.2015 within 2 days. For him, therefore, to claim that he had to live without electricity and water for a long time and that his son lost his job due to some leave he had to take to attempt to sort out the matter and that the complainant lost his work of home tuition and incurred a lot of expenditure for sixty six days without electricity/water apart from the inconvenience and mental disturbance suffered, (for which he is now

claiming a compensation of Rs.1 Crore) is not easy to understand. Part of the problem appears to be self-inflicted. However, given that the problem occurred and inconvenience was faced, it would be in the fitness of things if he is given some compensation for the notice apparently not having been delivered to him at the right place. An amount of Rs.10,000/- will be adequate for the purpose.

Appeal is accepted to that extent and the case is closed.


(PRADEEP SINGH)
Ombudsman


 July, 2015