

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.700/2015

IN THE MATTER OF:

Shri Sikander Singh - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

(Appeal against Order dated 27.05.2015 passed by CGRF-BRPL in CG-142/2015)

Appearance:

Appellant: Shri Sikander Singh

Respondent: Shri Sudhip Bhattacharya (DGM – Enf.), Shri Prashant Saxena, (Manager), Shri Surender Kumar (Legal Retainer) and Shri MD. Afroj (Manager), Authorised Representative

Date of Hearing : 18.12.2015 & 29.12.2015

Date of Order : 29.12.2015

FINAL ORDER

Appeal No. 700 of 2015 has been filed by Shri Sikander Singh against the order of CGRF wherein the request of the complainant (now Appellant) for deletion of amount on account of theft charges was declined and dismissed the complaint.

Case in brief is that Shri Sikander Singh, ASI (CISF), had filed complaint with the CGRF against the inspection conducted by the inspecting team on 19.10.2015. During inspection, the meter installed in the premises of the Complainant was found tampered with. Hence, a bill of Rs.48,323/- was raised, which was payable by 16.01.2015. The main contention of the Complainant before the Forum, was that, the bill has been wrongly raised by the Respondent. They have illegally booked a case of theft of electricity against him.

The Respondent version as per their reply dated 13.05.2015 is that, since the case of theft has already been filed before the Special Judge under Section 135 of Electricity Act, 2003, the jurisdiction of the Hon'ble CGRF is barred; in view of the law laid down by Hon'ble Apex Court in the matter of Arun Agarwal vs. Nagreeka Exports (P) Ltd. & Another reported as (2002) 10 S.C.C. 101, K. Kamaraja Nadar vs. Kunju Thevar & Others reported as AIR 1958 (S.C.) 657 & Union of India & others vs. Ranbir Singh Rathaur & others reported as (2006) 11 S.C.C. 696.

The Forum had observed vide order dated 27.05.2015 that it has no jurisdiction to entertain the complaint before them because the matter is pending before the Special Court of Electricity, Dwarka, and the matter is "*sub-judice*". Hence, the case has been ordered to close.

Felt aggrieved by the impugned order of the CGRF, the Appellant (Shri Sikander Singh) has preferred this appeal against the order dated 27.05.2015 passed by the CGRF.

The appeal was listed on 18.12.2015 when none had appeared on behalf of the Appellant before the Ombudsman whereas the Respondent was present before the ombudsman. They were directed to file an affidavit in reply by the next date of hearing alongwith supporting material to substantiate their plea that the Appellant has made the required payments or otherwise the matter was thereafter listed on 29.12.2015.

On 29.12.2015, the Appellant as well as the Respondent appeared for hearing. The Appellant accepted that he has already settled the case on 13.09.2015 before the Special Court. However, he requested for a submission to be made before the Ombudsman to express his annoyance and regard to the conduct of the inspection team who had carried out inspection of his house in a high handed manner and created nuisance in his house when the women were alone in his absence.

Relief
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He further argued that no law permits for a representative of a DISCOM to come to the house at night 10.30 to investigate of a theft case of meter particularly when all the lady members were alone in the house. The Appellant repeatedly asserted that he being a soldier of the paramilitary forces was never involved or had indulged in any theft case and he was falsely implicated. According to him, the case has been settled which was pending in the Special Court. However, he requested that there should be some remedy for him to take up the cause of his family members wherein their privacy was compromised by the employees of BSES whose action were not only unauthorized but also highly illegal.

The Authorized Representatives of the BSES, while denying the allegations made by the Appellant assured that allegations shall be investigated and wrongdoers if any shall be punished.

Notwithstanding, the Respondent has filed an affidavit in reply in compliance of the direction given vide order dated 18.12.2015. The relevant contents of Para 4 is reproduced below:

*"That as per records, the Appellant has already settled the case on 03.09.2015 under One Time Settlement Scheme, announced by Govt. Of Delhi NCT, and against the said settlement, he has received the **No Dues. Copy of settlement documents, alongwith No Dues are attached as ANNEXURE – I (Coly).**"*

In view of the averments made in the above-said affidavit, I am of the considered view, no case is made out by the Appellant for interfering with the order dated 27.05.2015 passed by the CGRF.

In view thereof, no relief is being provided to the Appellant, hence, the appeal is dismissed.

Rakesh Mehta

(RAKESH KUMAR MEHTA)
OMBUDSMAN

29 December, 2015