

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-cum-Fax No.: 011-26141205)

Appeal No. 801/2017

IN THE MATTER OF:

Shri Kulbhushan Yadav - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 26.09.2017 passed by CGRF- TPD in CG No.

7716/06/17/BDL)

Present:

Appellant: Shri Kulbhushan Yadav and Shri Kulbushan Mangla

Respondent: Shri Harshendu, Senior Manager (Legal)

Date of Hearing: 04.12.2017

Date of Order: 05.12.2017

ORDER

1. This is an appeal by Shri Kulbhushan Yadav, S/o Late Shri Bhim Singh Yadav, R/o H. No. 12-17/3, Railway Road, Samai Pur, Delhi-110042 against the verdict of CGRF-TPDDL cited above.

2. The cause of action of the present plaint has arisen from the Appellant's allegation that the Discom (Respondent) is threatening to book a case of theft against him despite his meter and its seal being in order (CA No. 6000 4813766). He has also drawn attention to the fact that he had had an earlier dispute with the Discom relating to revision of his bills and which had been adjudicated upon by the then Ombudsman in June, 2012. His complaint before the CGRF alleging harassment by the Discom and seeking anticipatory relief was not accepted by that Forum on the ground that the complaint is not sustainable on merit and jurisdiction.

3. The Discom's response is that the case involves one of theft of electricity which has been established against the Appellant and that his complaint that he is being harassed and falsely implicated in a theft case is without any basis. The meter in question had been seized by a Discom's inspection team on 30.05.2017 following suspicion of it having been tampered with and sent for third party testing as prescribed under law. The tests revealed that the seals on the meter terminal cover and on the meter itself were not genuine but "duplicate" with the suspicion that the meter had been tampered with being established as correct. A report dated 29.08.2017 from the Electronics and Quality Development Centre (EQDC) also states that the test process was witnessed by the Appellant. The Discom's position is that the CGRF has correctly declined to admit the complaint since the subject matter concerns a matter of theft of electricity which is not within the jurisdiction of the Forum.

4. I have heard both the parties and considered material on record. I find no basis to disagree with the position stated by the Discom. The meter inspection reports state in explicit terms that the terminal seals were found to be duplicate and the meter box current terminal unit found to have been tampered with. They also report invalid phase




rotation and current reversal events as having been recorded in the meter data. The Discom, on the basis of these findings, has already served a show-cause notice dated 13.09.2017 for theft of electricity on the Appellant under Section 135 of the Electricity Act, 2003 read with the provisions of Chapter VII of DERC's Supply Code & Performance Standards Regulations, 2007. The Appellant, incidentally, refused to accept the notice.

5. Given the above background, no case can be made out for intervention with the verdict of the CGRF. The present case involves one of a possible theft of electricity, the establishment of which and adjudication thereon lies before the appropriate forum prescribed under law and falling outside the remit of the CGRF/Ombudsman. The appeal stands dismissed on grounds of maintainability and jurisdiction.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
05.12.2017

ORDER

1. This is an appeal by Sri. Sundaram Krishna, Sr. Jnr. Sri. Binu Singh Jodan, P.O. No. 12-17, Kottayam, Kottayam P.W. Division against the verdict of the CGRF dated 05.12.2017.

2. The cause of action of the present appeal arises from the Appellant's allegation that the Respondent (Discom) is attempting to seek a stay of its order against him despite his protest and his appeal in order (C.A.No. 489 of 2017). He has also drawn attention to the fact that he had had an earlier dispute with the Discom relating to revision of his bill and which had been adjudicated upon by the Ombudsman in June 2015. His complaint before the CGRF alleging harassment by the Discom and seeking remedial action was not accepted by the CGRF on the ground that the complaint is not maintainable on merit and jurisdiction.

3. The Discom's response is that the case involves one of theft of electricity which has been established against the Appellant and that his complaint that he is being harassed and falsely implicated in a theft case is without any basis. The meter in question had been sealed by a Discom's inspector on 09.09.2017 following suspicion of it having been tampered with and was for three days being in possession under law. The test revealed that the seal on the meter remained intact and the meter itself was not tampered with. The Discom's response is that the meter had been tampered with being established as correct. A report dated 20.09.2017 from the Electronics and Quality Development Centre (EQDC) also states that the test results were witnessed by the Appellant. The Discom's position is that the CGRF has wrongly declined to admit the complaint since the subject matter concerns a matter of theft of electricity which is not within the jurisdiction of the Forum.

4. I have read both the petition and considered various reports and documents in connection with the complaint against the Discom. The meter inspection report dated 20.09.2017 from the EQDC clearly states that the meter was not tampered with and the meter was in possession of the Discom's inspector on 09.09.2017. The meter inspection report dated 20.09.2017 from the EQDC also states that the test results were witnessed by the Appellant. The Discom's position is that the CGRF has wrongly declined to admit the complaint since the subject matter concerns a matter of theft of electricity which is not within the jurisdiction of the Forum.

Sundaram Krishna
(Sundaram Krishna)
Ombudsman
05.12.2017