

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.737/2016

IN THE MATTER OF:

Ms. Muzzammil Siddiqui (Advocate) - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against Order dated 7.1.2016 passed by the CGRF- TPDL in CG No.6810/08/15/CVL)

Present:

Appellant:	Ms. Muzammil Siddiqui
Respondent:	Shri Anil Kumar Gautam, AGM, Shri Vivek, Sr. Manager And Shri Anirudh Sinha, Asst. Manager, Authorised Representatives of TPDDL
Date of Hearing:	28.07.2016
Date of Order:	01.08.2016

ORDER

1. Appeal No. 737/2016 has been filed by Ms. Muzzammil Siddiqui, R/o 4854, Gali Derzian, Bara Hindu Rao, Delhi – 110065, against CGRF-TPDDL's order in CG no.6810/08/15/CVL dated 07.01.2016.

2. The background of the case is that the Appellant enjoyed a domestic connection with a sanctioned load of two KW which was energized on 04.09.2000. This was disconnected on 20.08.2008 with the meter finally being removed on 12.05.2014 along with the service line. The Appellant had approached the CGRF for the restoration of her electricity supply along with compensation.

3. The Discom (the Respondent), in their response, has stated that the last reading of the meter installed in the premises of the Appellant was taken on 20.11.2006 with no further readings possible after this date as her premises

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remained locked and inaccessible for a period more than two years. Ultimately, the electricity supply to the premises was disconnected on 20.08.2008 after issuing a notice as required under Regulation 37 (iv) of DERC Supply Code and Performance Standards Regulations, 2007. Even after the disconnection of the supply, the Appellant failed to approach the Discom for restoration of supply with the meter finally being removed on 12.05.2014, once again after the issue of a notice under Section 163 (iii) of the Electricity Act, 2003 vide a letter dated 12.02.2014.

4. During the hearing before the CGRF on 30.09.2015, the Appellant held that she had approached the Discom for the issue of a bill and restoration of supply and that she was ready to pay the outstanding dues, if any, after adjusting her security deposit. The Forum then directed the Respondent to prepare a final bill after accounting for her security deposit with interest which the Discom did, issuing a revised final bill of Rs (-) 3,433.78. They, however, held that as the connection of the Appellant has become dormant in terms existing regulations on the subject, restoration was not possible and that she would have to apply for a new connection.

5. The Appellant applied for release of a new connection of one KW under the non-domestic category and for which the Discom issued a demand note on 26.10.2015 in compliance with the Forum's directions. The Appellant, however, did not accept the terms and conditions of the demand note and pleaded that she was not liable to pay the service line and development charges (SLD), further claiming that she had approached the Discom a number of times for the restoration of her electric supply which had been disconnected illegally without notice.

6. The Discom has rebutted this, holding that copies of letters which the Appellant claims to have written to the Discom in March, 2011 and April, 2014 are nowhere on their records and neither are there any diary numbers or receipt dates to support the Appellant's contention that she had written such letters to them. The Discom has further said that a notice of disconnection had to be pasted on the Appellant's premises as it had remained locked for an extended period and that the Appellant had failed to approach the Discom for restoration of supply even after that, with the meter itself being removed in May, 2014, again after the issue of a notice.

7. The CGRF's final order of 07.10.2016 held that the disconnection of the Appellant's supply was in accordance with regulations on the subject, that there was no harassment as alleged as she had failed to produce any documentary evidence of having approached the Discom for the restoration of her supply and that, accordingly, no compensation was admissible. A sum of Rs.(-) 3,433.78, which was due to her under the revised bill, would be paid through a cheque by the Discom within 15 days with a new connection to her being released within 5 days from the date of deposit of the amount given in the demand note of 26.10.2015 issued by the Discom.

8. On going through the case material in detail and having heard the parties, it is evident that the Appellant's case revolves around her basic demand that her old electric connection - disconnected 8 years ago - be restored and a fresh connection with its attendant formalities not be insisted on. It is also on record that she approached the CGRF on 13.08.2015, more than a year after the removal of the meter on 12.05.2014. Copies of letters, which she says were written by her to the Discom,



bear no acknowledgment date or indication of receipt by the Discom, something which is difficult to understand how it could have been overlooked. In the meantime, she had already applied for a new connection in April, 2014 and for which the Discom has issued a demand note which she did not comply with, necessitating its cancellation. Subsequently, she applied again with a new demand note being issued by the Discom in October, 2015 which she is now disputing.

9. Having taken into consideration the material available on record and having heard the parties, I find that the disconnection of her connection/removal of meter was in accordance with Regulation 37 (iv) of the DERC's Supply Code and Performance Standards Regulations, 2007 and not on account of non-payment of outstanding dues. A dormant connection cannot be revived after six months as per the regulations cited above. Again, the Appellant's application for a new connection is under the commercial category while her old connection was a domestic one. Therefore, leaving alone arguments alleging non-adherence to procedures on the part of the Discom, the change in category itself requires an application to be processed afresh.

10. I find no substantive reasons to find fault with the CGRF's verdict that the disconnection was in accordance with procedures, that no harassment as alleged has been caused and that no compensation is due. The demand note issued by the Discom was to be complied with about 8 months ago by 10th November, 2015. The Discom may afford the Appellant another opportunity to fulfil prescribed requirements for a new connection. With this direction, the plaint of the Appellant is hereby disallowed.

Sundaram Krishna

**(Sundaram Krishna)
Ombudsman
01.08.2016**

