

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.762/2016

IN THE MATTER OF:

Shri Naresh Bhatia - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 13.10.2016 passed by CGRF- TPDDL in CG No. 7227/04/16/MTN)

Present:

Appellant: Shri Naresh Bhatia - Appellant

Respondent: 1. Shri Vivek, Senior Manager (Legal), TPDDL
2. Shri Anirudh Sinha, Asstt Manager, TPDDL

Date of Hearing: 21.12.2016

Date of Order: 26.12.2016

ORDER

1. Appeal No. 762/2016 has been filed by Shri Naresh Bhatia, resident of House # 127, Blk WZ, Das Ghara village, New Delhi-110012, against CGRF-TPDDL's order in CG No.7227/04/16/MTN dated 13.10.2016.

2. The background is that the Appellant had applied for a new domestic electricity connection which was declined by the Discom on the ground that there were arrears of about Rs. 1.26 lakhs pending in the name of one Shri Ravinder against the premises and which had been disconnected in 2004. The Appellant has stated that he has been in occupation of the premises since 1983 as a tenant and from 2005 as an owner and that no one by the name of Ravinder has ever been in resident in it, either as a tenant or owner. No connection was ever applied for or granted by the Discom (Respondent) and neither was any notice for payment of pending dues ever given since the purchase of the premises by him in 2005. The action of the Discom in declining his request is, therefore, inexplicable. The Discom's version is that there are indeed arrears pending against the premises and which the Appellant is liable to pay in accordance with Regulation 20 (2) (iii) of the DERC's Supply Code & Performance Standards Regulations, 2007.

3. During the proceedings before the CGRF, the Forum noted that there were many connections in the area with the same address but with different locations and

Sinha



neither the complainant nor the Respondent were able to specify or identify the exact house number so as to pinpoint the premises against which the arrears were outstanding. Accordingly, the Forum directed both parties to conduct a joint site inspection and provide a proper identification of the premises based on Municipal records or the records of any other authority like the Panchayat. The Forum also observed that the imposition of a demand for arrears on the Appellant where the identity of the premises in question itself was not clear would be a miscarriage of justice and that, once this identification had been done, the Appellant could approach the Forum for relief. The Discom, on the other hand, claims that the Appellant is seeking to evade the payment of legitimate dues and that, instead of approaching the Forum with a valid identification of his premises, has preferred an appeal before the Ombudsman which is liable to be dismissed.

4. I have heard both parties and considered the material on record. It is abundantly clear that the precise identity of the premises under question is itself under doubt with multiple connections in the same area carrying the same address but without specific house numbers. I would agree with the Forum that the liability for payment of arrears cannot be imposed on the Appellant unless it is preceded by a precise determination of the premises against which these dues are actually pending. The Discom is the entity which is responsible for the provision of electricity connections in the area as well as the installation of actual connections and meters to individual houses. It is, therefore, their responsibility as well to ensure that individual dwelling units are properly identified for the purposes of billing. This basic groundwork is clearly missing in the instant case and the Discom cannot evade its responsibility by trying to transfer the onus of establishing the identity of the premises in question to the Appellant.

5. Further, by extension, neither can the Discom impose a liability for payment of arrears when the premises to which the liability pertains as well as the identity and whereabouts of the previous defaulting consumer, is itself in doubt. Regulation 15 (iii) of the Code referred to in paragraph 2 supra cannot be blindly invoked in the absence of this essential, supporting data. The Discom is also completely silent on the efforts they have put in over the past 12 years since 2004 - when the electricity connection of the defaulting consumer was allegedly disconnected - to identify and recover their dues. Clearly, they seem to have remained moribund, waking up after more than a decade only when the Appellant happened to file his application for a connection. The case histories quoted by the Discom in their written submission in justification of their recovery demand are irrelevant and immaterial to the issue at hand as also their charge that the Appellant was not cooperating in the identification of the premises.

6. The verdict of the CGRF is defective in that it has left the matter unresolved till the process of identification of the premises through official records with the participation of both the parties is over. It is the Discom's responsibility to establish this identity beyond doubt. The Appellant's plaint is, therefore, allowed and the Discom directed to grant the electricity connection sought by him forthwith subject to the fulfilment of other formalities. In the absence of a formal property numbering system in position or till such numbers are established/obtained, the Discom can always use alternative identification markers as it deems fit while granting the connection like, for instance, photographs of the property and its neighbourhood etc.

Signature



The Appellant will be liable to pay the arrears only if it is established beyond doubt by the Discom that the dues actually pertain to the physical premises for which he has sought a connection. In the meantime, for subjecting the Appellant to a wholly avoidable harassment as a result of which he had to approach first the CGRF and then the Ombudsman, a compensation of Rs 5,000/- is hereby awarded to him which shall be paid by the Discom to him within two weeks from the receipt of this order. The Discom is, however, at liberty to recover their legitimate dues from the actual defaulter.

The appeal is disposed off accordingly.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
26.12.2016