

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.790/2017

IN THE MATTER OF:

Shri Ram Niwas - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 06.06.2017 passed by CGRF- BRPL in CG No. 23/2017)

Present:

Appellant: Shri Ram Niwas

Respondent: Shri D.Shaily, Commercial Officer with Shri Deepak Pathak,
Advocate and Shri M Sajid Khan, Office Associate

Date of Hearing: 23.08.2017

Date of Order: 25.08.2017

ORDER

1. Appeal No. 790/2017 has been filed by Shri Ram Niwas, R/o L-1-A-30 (Ground Floor), Gali No. 13, Sangam Vihar, New Delhi-110062 against the verdict of CGRF-BRPL in it's order cited above.

2. The background to the appeal arises from the transfer of dues amounting to about Rs.1.47 lakhs against a disconnected electricity connection to the four existing connections which the Appellant is presently enjoying. According to the plaint, the Appellant's premises has four electricity connections, three in his name and one in the name of his brother, Shri Baldev Singh. A fifth connection (CA No. 101952805), registered in the name of his brother but with a different address, was energized on 29.08.2009 and subsequently disconnected on 22.08.2013. The Appellant's grievance is that the dues against this connection, of which he was completely unaware, have been transferred to his four live connections by the Discom (Respondent). The CGRF, however, did not accept his plea that he is not liable to pay these dues, hence, the present plaint.

3. The Discom's response is that the transfer of the dues against the disconnected connection to the four existing live connections of the Appellant is legal and consistent with Regulation 49 of the DERC's Supply Code & Performance Standards Regulations, 2007. The disconnected connection, according to the Discom, standing in the name of the Appellant's brother, Shri Baldev Singh, is physically located in the same premises/compound where the other meters are even though the address on the bills is different, producing photographs of the site in support of their contention. The Discom has also pointed out that payments against this connection, as also the other



connections, have been made by the Appellant with one of the payments on 29.06.2011 being through a cheque on his bank account and signed by him. At a point of time, the Appellant stopped making payments leading to its eventual disconnection on 22.8.2013. The Discom has pointed out that the brother, Shri Baldev Singh, had left for Canada in 2014 by the Appellant's own admission and with whom he is not in touch. Nevertheless, the Appellant has signed as "Baldev Singh" as a co-complainant in the case before the CGRF which they hold is tantamount to an attempt to cheat.

4. I have heard the parties and considered the material on record. The basic defence offered by the Appellant that he is/was completely unaware of the existence of the disconnected electricity connection is hardly sustainable in view of the fact that payments have been received against it which include a bank cheque issued by him from his account. A site inspection supported by the photographs provided by the Discom before the CGRF also indicates that the disconnected meter in question was indeed located at the Appellant's premises along with other meters. Neither is the Appellant's contention that someone seems to have cheated him sustainable as such issues are not within the remit of the Ombudsman and would necessarily have to be agitated by him before an appropriate forum if indeed fraud or cheating is involved. I am, therefore, of the considered opinion that the plea of ignorance of the existence of the disconnected connection cannot be used as a shield by the Appellant to escape his liability for payment.

5. As far as the Discom is concerned, I am constrained to observe that there has been a serious negligence on their part in attending to the issue and remaining passive from the time of disconnection of CA No 101952805 on 22.08.2013 for more than three years before raising a bill for arrears in October, 2016. Furthermore, the Discom seems to have been blissfully unaware of the existence of pending arrears from a previous connection even when releasing a new connection later to the Appellant on 31.03.2016. While the Discom has admitted the error of their oversight during the hearing, their contribution to the development of this unfortunate situation cannot be glossed over. Even if a consumer is liable to pay arrears of bills, it is not fair on the part of the Discom to remain negligent and then unload a substantive bill on an unsuspecting consumer, thereby adding unnecessarily to his financial stress. The Discom is hereby advised to put in place appropriate mechanisms to ensure that an alert is sounded when any bill goes in arrears of payment over a significant billing cycle.

6. In conclusion, no major intervention with the verdict of the CGRF is called for except for the observation that the billing of arrears by the Discom should be at the prevailing tariff rates pertaining to the years in question with waiver of LPSC. The number of instalments, however, over which the Appellant has to make payments is hereby increased from three to five equated monthly instalments as a measure of additional relief. The intention behind this concession is to send a message to the Discom that the negligence on their part, which has contributed to this situation, cannot be glossed over lightly as a mere "error".

The appeal stands disposed off accordingly.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
25.08.2017