

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.759/2016

IN THE MATTER OF:

Shri Ravinder Kumar - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 11.08.2016 passed by CGRF- TPDDL in CG No. 7151/02/16/KPM)

Present:

Appellant: Shri Ravinder Kumar - Appellant

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

Dates of Hearing: 15.12.2016


Date of Order: 16.12.2016

ORDER

1. Appeal no.759/2016 has been filed by Shri Ravinder Kumar of G-63, Ashok Vihar, Phase-I, Delhi-110052 against CGRF-TPDDL's order in CG No.7151/02/16/KPM dated 11.08.2016.

2. The Appellant's case is that he and his brother, Shri Surender Kumar Gupta, had applied on 27.11.2015 for a change of name of their electricity connection which stood in their late father's name, submitting all the required documents. The Discom (Respondent), however, did not accept the documentation submitted and asked for additional documentation to effect the name change. The Appellant is aggrieved by verdict of the CGRF which he claims has supported the position of the Discom without going into the underlying causes of his plaint, namely the rejection by the Discom of the documentation submitted by him without a valid basis and the need for action to improve the system so that no one is subjected to harassment.

3. The Discom's response is that the Appellant's application for a name change was declined by them as the documentation submitted did not comply with the requirements specified in Regulation 20(2)(i) and Annexe IV of the Delhi Electricity Regulatory Commission's (DERC) Supply Code & Performance Standards Regulations, 2007, which clearly provides that the applicant has to submit a mutation letter from a land agency or any other proof of legal heir ship. The

Sharma




applicant, however, had submitted a letter from the North Delhi Municipal Corporation (Assessment & Collection Department) which was valid only for the limited purposes of payment of property tax and not for any other purpose as stated in a disclaimer in the letter itself. The Discom has categorically denied the Appellant's claim that they have effected other name changes earlier on the basis of similar letters/documents. Subsequently, the Appellant produced a copy of a Will executed by his late father on the basis of which the Discom effected the name change requested for.

4. Reduced to its essentials, therefore, the present appeal consists of a challenge as to why the Discom declined to accept a document issued by a Government agency, thus resulting in a harassment of the Appellant coupled with a demand that a directive be issued to amend the requirement for the type of documentation required for the purpose at hand towards the objective of bringing about an improvement in the system so that future consumers are not subjected to similar harassment. During the hearing, the Appellant also alleged that the CGRF and the Discom were nothing more than "two sides of the same coin", further imputing that the CGRF had acted in a motivated manner in favour of the Discom rather than keeping a consumer's interests in mind.

5. I have heard both the parties and examined the material on record. Regulation 20(2)(i) of the DERC's Supply Code referred to above, mentions the documentation required for a transfer of a consumer's name to his legal heir as a "mutation letter issued by the land agencies or any other proof of legal heir ship". Annexe IV to this Regulation again specifies, inter alia, a "mutation letter/legal heir certificate" apart from an NOC from other legal heirs etc. The letter dated 12.03.2015 from the North Delhi Municipal Corporation (Assessment & Collection Department), conveying the change in the name of the tax payer(s) for the purposes of property tax assessments, contains a specific disclaimer to the effect that "this is to make it clear that the name of the person referred to above is being changed only for the limited purpose of payment of property tax u/s 128 of the DMC Act and in no circumstances will it confer/devolve any legal title of ownership whatsoever". The requirements under Regulation 20 of the Code, referred to above, have been codified by the DERC under the powers vested in it by the Electricity Act, 2003 and Discoms are not at liberty to amend, modify or waive them in any manner whatsoever. In the present case, therefore, the Discom was technically correct in declining to accept the North Delhi Municipal Corporation's letter submitted by the Appellant in view of the clear disclaimer contained in it. The Discom has also categorically denied the Appellant's claim that they have effected other name changes on the basis of such documents and I find no reason to disbelieve the same.

6. As far as the Appellant's demand for compensation is concerned, my assessment is that there is an overstatement of the harassment he alleges he has been put to. He could have just as well produced a copy of the Will – on the basis of which the Discom effected the name change subsequently – at the outset itself instead of engaging in debate over the validity or otherwise of his documentation and dragging the issue into litigation. For better or for worse, the Municipal Corporation's letter contains a clear disclaimer that it cannot not be used for any other purpose and this could not have been ignored by the Discom which was bound by the requirements specified in Regulation 20(2)(i). An executive letter cannot supersede or waive a

Prishma



requirement specified under powers deriving from a statute. The Discom was, therefore, correct in declining to accept the letter as a basis for the name change and cannot be faulted for it.

7. At the same time, I would like to point out that a reading of the sequence of events in the Appellant's plaint conveys a message that the Discom's customer relations personnel have been wanting in their handling of the case. In several verdicts delivered by the Ombudsman, the need for Discoms to introduce a system of customer relations which is less bureaucratic and more personalised and which takes into account the individual characteristics of the case has been emphasized repeatedly. A greater degree of courtesy and sensitivity on the part of the Discom in dealing with customers and explaining legal requirements can always go a long way in sorting out issues at the incipient stage itself instead of allowing it to escalate to the Ombudsman's level. Without trying to apportion any blame in the present case, it is unfortunate that acrimony has been allowed to rise in the first place.

8. Given the above exposition, no intervention with the verdict of the CGRF is called for. Neither is the Appellant's demand for monetary compensation from the Discom sustainable. The core issue of the type of documents required for effecting name changes where issues relating to the title/ownership of the property in question are involved and their sufficiency, may certainly warrant a revisit to keep pace with changing circumstances and times but the demand of the Appellant that the CGRF/Ombudsman issue directions to the Discom to amend its documentary requirements is outside their remit. Both these fora function within the framework defined by the Delhi Electricity Regulatory Commission under Section 181 read with sub-section (5) of Section 42 of the Electricity Act, 2003 and the DERC's Code of 2007 referred to in paragraph 3 supra. The power to introduce amendments to this Code – under which the Discom has acted in the present case - vests only with the DERC whom the Appellant may approach if he so desires.

The appeal is disposed off accordingly.

Sundaram Krishna

**(Sundaram Krishna)
Ombudsman
16.12.2016**

