

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.786/2017

IN THE MATTER OF:

Smt. Shahnaz Begum - Appellant

Vs.

M/s BSES Yamuna Power Ltd. – Respondent

(Appeal against order dated 20.04.2017 passed by CGRF- BYPL in Complaint
No.05/02/2017)

Present:

Appellant: Shri Adarsh Kumar & Shri Shakeel Ahmad, Advocates

Respondent: Not present during the hearing

Date of Hearing: 19.07.2017

Date of Order: 26.07.2017

ORDER

1. Appeal No.786/2017 has been filed by Smt. Shahnaz Begum, W/o Shri Babban Khan, R/o JB-6/221-222, Welcome, Seelampur, Delhi – 110053, against the verdict of CGRF-BYPL in Complaint No. 05/02/17 dated 20.04.2017.

2. The background concerns the Appellant's grievance that there are two meters installed at her premises, one domestic (No. xx3953 in her name) and another commercial one (No. xx5525 in the name of one Raghunath). Her basic complaint is that the Discom has transferred the dues of the commercial connection to her which she claims is illegal. The CGRF had not admitted her complaint, hence the present appeal.

3. The Discom (Respondent), whose comments were called for, had indicated that the case is a little more complicated than what appears at first sight. According to them, an inspection carried out in May, 2015 revealed that the Appellant and another user name Shahid were using her domestic connection for commercial purposes for which the Discom raised a bill for tariff violation of about Rs. 1.99 lakhs. This case was subsequently settled in August, 2015 between the parties through the One Time Settlement Scheme (OTSS) under which she agreed to pay Rs.66,542/- with the balance amount being waived off. Due to non-payment of the dues by the

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Appellant, the domestic meter was removed on 07.11.2015 with a final bill of Rs.91,220/- being raised. A subsequent site inspection in May, 2016 found that the non-domestic connection (No. xx5525) had been extended to and was supplying the area originally fed by the disconnected domestic connection (No. xx3953). The Discom found dues of about Rs. one lakh pertaining to the commercial category connection in the name of Raghunath which was served on the Appellant after due notice and as per Regulation 49(ii) of the DERC's Supply Code & Performance Standards Regulations, 2007. The Appellant did not respond to the notice. The Discom has stated that all bills have been raised on the basis of download consumption data and that the Appellant has not been paying her bills regularly. On the directions of the CGRF dated 24.03.2017, the Appellant paid up an amount of Rs.79,470/-, excluding the disputed amount of Rs. one lakh mentioned above, and filed the present appeal.

4. Only the Appellant's representatives appeared at the hearing with the Discom's representatives stating that they could not arrive in time due to traffic jams. Since all the material was already available on record and the Discom had not raised any new issues in its written responses, the case was proceeded with in their absence. During the hearing, the Appellant's representatives stated that they were ready to pay their dues at commercial rates as applicable.

5. A scrutiny of the case shows that the first bill of Rs.1.99 lakhs, which was raised after the inspection of May, 2015, had already been settled under the OTSS for an amount of Rs 66,542/- with the balance of the dues being waived. Although the due date of payment for the OTSS was 07.09.2015, the Appellant paid the amount and that too after a considerable delay in two instalments in March and October, 2016. Subsequent defaults in payment of dues resulted in her supply being disconnected. A second inspection in May, 2016 revealed that the non-domestic connection in the name of Raghunath (No. xx5525) had been extended to and was being used in the area originally served by the Appellant's disconnected connection (No.xx3953). Regulation 49 (ii) of the DERC's Code mention in paragraph 3 above clearly empowers the Discom to take action to prevent unauthorized reconnections and, where the supply has been reconnected in an unauthorized manner or where the supply to such premises has been restored through another live connection, to transfer the pending dues to the offender's account.

6. The Discom's action in serving the outstanding dues on the Appellant, therefore, is correct and the Appellant is liable to pay this outstanding amount. The appeal is hereby disallowed as being without merit and in view of the commitment made by the Appellant's representatives during the hearing.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
26.07.2017