

## **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.777/2017**

#### **IN THE MATTER OF:**

Shri Sunil Kumar - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 30.01.2017 passed by CGRF- TPDDL in CG No.  
7293/06/16/MGP)

#### **Present:**

Appellant: 1. Shri Sunil Kumar

Respondent: 1. Shri Vivek, Senior Manager (Legal)  
2. Shri Naresh Kumar, Manager (RRG), on behalf of TPDDL

Date of Hearing: 23.03.2017

Date of Order: 29.03.2017

### **ORDER**

1. Appeal No. 777/2017 has been filed by Shri Sunil Kumar, s/o Shri Dalel Singh, B-1/63, Budh Vihar Phase-I, Delhi-110086 against CGRF-TPDDL's order in CG No. 7293/06/16/MGP dated 30.01.2017.

2. The brief background is that the Appellant had purchased the above property on 29.01.2009 - where an electricity connection (bearing CA number 60008420352) was already in position - from one Smt Kavita Goyal after having paid an advance a few months earlier in September, 2008. When approached with a query about previous dues, the Discom's (Respondent) staff verbally advised him to apply for a name change saying that once the name is changed, previous dues cannot be transferred or adjusted. The Appellant accordingly filed an application for a name change on 27.10.2008, submitting the required documentation the following month including an NOC from the previous owner. The Discom raised a demand note on 15.11.2008 and, following the completion of commercial formalities, changed the name. The property was purchased the next month in January, 2009 but, unexpectedly he received a bill of Rs. 51,576/- a couple of months later in April, 2009 on account of previous dues. His appeal against this bill before the Consumer Disputes Redressal Forum (CDRF) was dismissed in default in July, 2015 as he could not pursue his case due to illness. Following the receipt of another inflated bill for Rs.82,570/- in May, 2016, he had filed an appeal before the CGRF which dismissed it stating that it found, inter alia, no merits in his complaint.

3. The Discom's (Respondent) response is that the arrears were transferred from an electricity connection bearing CA number 60011450354 (an inactive connection on the first floor) to CA number 60008420352 (on the ground floor). The Discom claims that the

The block contains a handwritten signature in blue ink, which appears to be 'Sushma', written over a circular official stamp. The stamp is blue and contains the text 'OFFICE OF THE ELECTRICITY OMBUDSMAN, NCT OF DELHI' around the perimeter and 'B-53, PASCHIMI MARG, VASANT VIHAR, NEW DELHI - 110057' in the center.

Appellant is in occupation of the entire premises being fed by the active connection with the liability for the arrears, therefore falling on him. They have reiterated their position as taken before the CGRF including details of the amounts transferred.

4. I have heard both the parties and gone through the material on record. Without getting into peripheral details like the dates and quantum of the bills raised and the process of the Appellant's case through the CDRF & CGRF, I find that a basic reading of the timeline of events surrounding the Appellant's purchase of the property and the raising of the bills by the Discom reveals that he had submitted the necessary documents for a name change with the Discom raising a demand note on 15.11.2008 on the completion of commercial formalities. No outstanding dues were ever communicated to the Appellant at the time of his application as well as the raising of the demand note. A few months later, however, after having effected the name change, the Discom raised an arrears bill in April, 2009 which included the dues transferred from the inactive connection (referred to paragraph 3 above).

5. Notwithstanding whatever has been stated by the Discom, the latter's action of imposing the arrears of an inactive connection after all commercial formalities have been fulfilled and the name changed, is not sustainable in my considered opinion. This is all the more so when the Discom clearly failed to communicate the existence of arrears to the Appellant at the time when the name change formalities were in process. The Discom cannot do this at a belated stage and as an afterthought and gloss over its own culpability in failing to address the issue at the appropriate time. The comments of the CGRF on the Appellant's allegedly "erratic behaviour", "concealment of facts", and that he is "in the habit of doing Forum shopping which is misconduct" are unnecessary and not germane to the core issue at hand. Furthermore, the earlier appeal of the Appellant before the CGRF pertained to an entirely different issue involving a faulty meter and was or is in no way connected to the present issue of transfer of dues.

6. Having taken all factors into consideration, I am of the view that the Discom cannot transfer such arrears at a belated stage to the Appellant. The verdict of the CGRF is hereby set aside and the Discom directed to revise the bill of the Appellant by withdrawing the entire amount pertaining to the inactive connection of the previous owner. The Discom is at liberty to recover its legitimate dues after due diligence from the actual defaulter. No orders are being passed with regard to the Appellant's claim for a financial compensation as this waiver is a sufficient compensation unto itself.

The appeal stands disposed off accordingly.



*Sundaram Krishna*  
**(Sundaram Krishna)**  
**Ombudsman**  
**29.03.2017**