

Office of 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 No.: 32506011 Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2007/127

Appeal against Order dated 04.07.2006 passed by CGRF – BRPL on
Complaint No.: CG/144-2006

In the matter of:

Shri Mukul P. Bhargava - Appellant

Versus

M/s BSES Rajdhani Power Ltd - Respondent

Present:-

Appellant Shri Mukul P. Bhargava

Respondent Shri A.K. Tyagi, Business Manager, Nizamuddin

Date of Hearing: 02.01.2007, 16.01.2007, 23.01.2007

Date of Order : 23.01.2007

ORDER NO. OMBUDSMAN/2007/127

The Appellant is a co-owner of 1st floor of property No. A/11A, South Extension Part - 1, New Delhi-110 049, in which electricity was supplied through two electricity meters. The complaint of the appellant is that for reasons beyond his control his premises was kept locked from December 1995 till April 2004 and that prior to December 1995 average bills were received by him. It is stated by him that some bills were paid by him hoping that these payments would be adjusted in future bills but when he continued to receive provisional bills despite his several requests for bills on basis of actual readings, he stopped paying (the bills) as he had already made excess payment. The Licensee Company without paying any heed to his request for issuing reading-based bills continued to issue bills on average basis.

In his appeal the appellant has stated that on 15.12.2000 he was forced to pay Rs.6,980/- and Rs.1,200/- on threat of disconnection of electricity. This amount was paid in addition to payments already made of Rs.10,480/- and Rs.3,380/-. The complaint of the appellant is that despite his letters dated 25.5.1999 and 3.5.2001, the bills were not revised on the basis of actual readings and provisional bills continued to be issued to him. The appellant made several personal visits to the office of DISCOM but with no result. On the other hand the DISCOM disconnected the electricity supply of the appellant in the month of September 2003.

After personal visits of the appellant to the DISCOM office, some bills were revised from September 2002 to September 2003. The appellant was again made to pay Rs.11,900/- and Rs.5,670/- which he paid under protest on 26.9.2003. It is shocking to note that despite making the above payments, **the electricity connection of the appellant was not restored and he continued to receive average bills in spite of the fact that the electricity in his premises stood disconnected.**

The appellant wrote letters to the DISCOM on 23.2.2004 and 5.3.2004 for correction of bills and restoration of electricity and also personally met Business Manager but no action was taken either for restoration of electricity or for the correction of bills. When the appellant could neither get his electricity restored nor was he able to get reading based bills despite several personal visits and letters written to the DISCOM, he filed a Writ Petition in the High Court of Delhi. The Delhi High Court ordered for restoration of electricity and also directed the appellant to file a complaint before CGRF within 30 days.

The appellant submitted (in his appeal) that despite the Writ Petition, he continued to receive bills on adhoc basis till he filed a complaint before the CGRF. It was only two days prior to the date of hearing before CGRF that the appellant received a letter dated 30.5.2006 from DISCOM intimating that his bill had been corrected showing excess payment made by him. It is stated by the appellant that no calculation was enclosed alongwith the said letter so that he could verify and understand for himself how the credit had been worked out.

The case was heard by the CGRF. The Business Manager of the DISCOM admitted that average bills had been continuously sent to the appellant as stated in the letter. The CGRF ordered for token compensation of Rs. 500/- against each of the two meters, Rs. 500/- against DL connection and Rs. 500/- against DP connection (existing at the premises) for the abnormal delay in rectification of the bills and for issuing disconnection orders without rectification of bills. The CGRF also ordered for amalgamation of the two meters. Not satisfied with the CGRF order, the appellant filed an appeal before the Ombudsman on 06.10.2006.

In the appeal the appellant stated that despite making excess payments to the DISCOM, he continued to receive average bills and despite several personal

visits and several letters he did not receive reading based bills. On the other hand his electricity supply was disconnected when he refused to pay average bills which were not based on actual consumption of electricity by him. **His supply was disconnected and it remained so for six months.** He has therefore, prayed:

- i) for compensation for the harassment suffered by him for being without electricity for six months and restoring it only after he approached the High Court and then the CGRF.
- ii) for refund of the excess amount collected by the DISCOM under coercion and
- iii) interest on the excess amount which remained with the DISCOM.
- iv) He has requested for details of calculations of the bills revised by the DISCOM.

The case was fixed for hearing on 2.1.2007. The appellant attended in person. Shri A.K. Tyagi, Business Manager, Nizamuddin attended on behalf of the Respondent Company. During hearing the case was discussed with Business Manager Shri A.K. Tyagi and the appellant Shri Mukul P. Bhargava. Following detailed discussions, the DISCOM is directed to allow interest to the appellant on the excess amount recovered from him on the same rate as is charged for purpose of LPSC. The Business Manager is directed to submit the calculations to the Ombudsman by 10.01.2007.

It is shocking to note that the officers of the discom failed to pay any heed to the requests of the appellant made personally and by means of letters to send bills based on actual reading, and that no reading of the meter was taken for several years. The DISCOM was only interested in extorting money out of the appellant even when no electricity was being supplied to his premises. Even after Writ was filed before the Delhi High Court by the appellant, the DISCOM remained unaffected and unmoved. It continued to send average bills to the appellant. It was only when the appellant filed a complaint with CGRF that the DISCOM moved to take some action and to revise the bills. **This is indeed a very poor reflection on the working of the DISCOM.**

While no amount of money can make up for the harassment suffered by the appellant, compensation of a token amount of Rs.1,000/- for each of the two meters is awarded for the harassment and mental anxiety suffered at the hands of the discom by the appellant.

On 16.01.2007 discom submitted the detailed working of the excess payment made by the consumer which is refundable. He has also submitted the working of interest payable by discom upto 17.07.2006. (copy of the calculation is enclosed)

As per the above working:

<u>K.No.</u>	<u>Excess amount Collected by Discom</u>	
K.No.2540 C726-1549	Rs. 7375.66p	
Interest on above	Rs. 5830.47p	

Total	Rs.13205.80p	Rs. 13205.80/-

K.No.2540 C726-1614	Rs. 21,800.95p	
Interest on above	Rs. 25,653.31p	

Total	Rs. 47,454.26p	Rs. 47,454.26p

	Total Refundable	Rs. 60,660.06p

Record shows that the appellant's consumption of electricity is very low. The DISCOM is therefore directed to refund the excess amount recovered from the appellant plus Interest on the same i.e. Rs.60,660/- to the appellant by **cheque**.

Regulation 42 of DERC Regulation - 2002 (Performance Standards - Billing & Metering) provides for a penalty of Rs.500/- per provisional bill if provisional billing continues for more than 2 billing cycles. In this case 11 provisional bills were issued to the appellant between May 2004 and June 2006. The Discom is liable to deposit Rs.5,500/- (500X11) with DERC on this account.

The CGRF order is set aside.

Asha Mehra
(Asha Mehra)
Ombudsman