

Original

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Office of Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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Appeal No. F. ELECT/Ombudsman/2006/138

Appeal against Order dated 27.10.2006 passed by CGRF – BRPL in Case No.:
CG/236/2006

In the matter of:

Shri Jagmohan Singh - Appellant

Versus

M/s BSES Rajdhani Power Ltd - Respondent

Present:-

Appellant Shri Jagmohan Singh alongwith his Son Mr. Gurpreet Singh and
Shri Kuljiwan Goyal, Advocate

Respondent Shri Y.M. Saxena, Additional General Manager, BRPL
Shri Ankur Jaiswal, Business Manager, Nangloi on behalf of
BRPL

Date of Hearing: 02.03.2007

Date of Order : 08.03.2007

ORDER NO. OMBUDSMAN/2007/138

The Appellant, a resident of H. No. 25, Abchal Nagar, Chander Vihar, Nilothi Extention, Nangloi, New Delhi has filed this appeal against the CGRF order dated. 27.10.06. He had been a consumer with M/s. Bijli Services, an SPD Contractor. In July '05 the DISCOM M/s. BRPL took over the system from the SPD Contractor and the appellant's electricity meters were changed against the previous connections. He paid to the DISCOM Rs.1200/- as Security Charges for each of the two connections on 02.08.05 @ Rs.600/- per KW. For the Service Line Charges demanded from him, he paid Rs.500/- as first installment and the balance Rs.1500/- was to be paid later on.

In the meantime, he came to know of the DERC circular no. F11(20)/DERC/2003-04/Vol-II dated 27.08.05 according to which Development Charges / Service Line Charges were not to be charged twice. For those consumers who had already paid Development Charges, the DISCOM would not

again demand Development Charges, but the money paid by them would not be returned to them. The DISCOM's were free to charge Consumption Deposit.

By this time the appellant had already paid Service Line Charges of Rs.500/- and had not paid the balance amount as per the installments given to him. The BRPL demanded the payment of the balance Rs.1500/-.

Being aware of the above DERC circular requiring the consumers (who have already paid the development charges / service line charges to the SPD Contractors) not to pay it twice, he made a representation to the DISCOM that the service line charges demanded of him are not payable as per the DERC circular. His representation was rejected. He was informed vide DISCOM letter dated 09.06.2006 that since he had applied for new connection and paid the money as per demand note on 02.08.06 i.e. prior to the DERC circular of 27.08.05, payments already made were not to be refunded to the consumers. He was asked to pay the balance of Rs.1500/- as per demand note. He wrote another letter dated 24.05.06 to the CEO, BRPL, stating that he was not required to pay any more service line charges, in view of the DERC circular dated 27.08.05.

When his claim was rejected by the DISCOM he filed a complaint with the CGRF. **The CGRF after giving a hearing to both the parties passed the order dated 27.10.06 directing the appellant to pay the balance amount of Rs.1500/- towards service line charges, and that he cannot claim for withdrawal of this amount.**

Not satisfied with the order of CGRF, the appellant filed an appeal before the Ombudsman received in this office on 20.11.06. In his appeal the appellant stated that since he had paid the Development Charges / Service Line Charges for each of the two connections to M/s. Bijli Services, he was not liable to pay the balance service line charges / development charges of Rs.1500/- in view of the DERC circular dated 27.08.05. The Appellant has prayed for setting aside the order of CGRF and directing the DISCOM not to claim further service line charges / development charges and not to disconnect the electricity connection till the disposal of the appeal.

After scrutiny of the contents of the appeal, the CGRF records and the submissions made by both the parties, the case was fixed for hearing on 02.03.07.

On 02.03.07 the appellant attended alongwith his son Sh. Gurpreet Singh and his advocate Sh. Kuljiwan Goyal, Sh. Y. M. Saxena, Additional General Manager, BRPL attended alongwith Sh. Ankur Jaiswal, Business Manager, Nangloi.

The case was discussed. It was admitted that the appellant had paid Rs.500/- on 02.08.05. As per the DERC circular the amount paid prior to 27.08.05 was not to be returned to the consumers. However, the said circular is very clear in that the consumers will not be asked to pay development charges and service line charges twice if they have already paid the same to the SPD Contractor Services. In accordance with the spirit of the said circular, it is clear that the appellant is not required to pay further Rs.1500/- towards service line charges as he had already paid them earlier to the SPD Contractor.

The DISCOM is directed to cancel the demand of Rs.1500/- raised against the appellant in respect of Service Line Charges for each of the two connections.

Sh. Saxena, Additional General Manager stated that the appellant has not been paying the bills raised by the DISCOM. Bills were produced by the appellant and although these are stated to be reading based bills, on closer examination it is seen that these are not actually reading based bills. They appear to be provisional bills because these bills show consumption per month as 0 units, 169 units, 11 units, 30 units and 447 units etc. Obviously, the consumption of the appellant will not vary so much. It is not the case of the DISCOM that the appellant's consumption in 1 month was 0 units and in another month it is 169 units and in the next month it is 11 units etc.

The DISCOM is directed to revise the bills by equally spreading over the latest reading and to give the appellant the benefit of slab rate. No LPSC will be charged.

The order of the CGRF is set aside.

Asha Mehra
(Asha Mehra)
Ombudsman