

OFFICE OF THE ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone-cum-Fax No.: 011-41009285)

Appeal No. 14/2020

(Against the CGRF-BYPL's order dated 30.07.2020 in Complaint No. 10/2020)

IN THE MATTER OF

**Shri Kamal Baluja
(The Chaplain of Delhi, St. James Church)**

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri V.D. Sharma, Advocate, on behalf of the Appellant

Respondent: Shri K Jagatheesh, Sr. Manager, Shri Imran Siddiqi, Manager
(Legal) and Ms. Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 22.10.2020

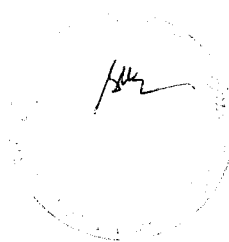
Date of Order: 27.10.2020

ORDER

1. The instant appeal No. 14/2020 has been filed by Shri Kamal Baluja on behalf of "The Chaplain of Delhi, St. James Church", against the CGRF-BYPL's order dated 30.07.2020 passed in Complaint No.10/2020, whereby the CGRF has directed refund/adjustment of the electricity bills arrears w.e.f. 01.09.2017 instead of 01.07.2002 as demanded by the Appellant.

The CGRF adjudicated upon "that the complainant's electricity connection vide CA No. 100031278 be reclassified as domestic w.e.f. 01.09.2017 and excess amount paid by the Appellant be adjusted in the future electricity bills for the connection".

2. Aggrieved with the order dated 30.07.2020 of the CGRF, the appellant has now filed an appeal with the Ombudsman against the order dated 30.07.2020 of the CGRF

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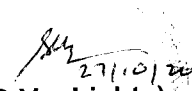
specifically pleading that the appellant be refunded/adjusted excess amount charged in the electricity bills since July, 2002 instead of the adjustment of the excess amount since 01.09.2017, as per decision and order of the CGRF. The Appellant has mainly prayed to direct the Discom to correct the electricity bills for the period from 01.07.2002 to 01.09.2017 in line with DERC Tariff Schedule issued from time to time.

3. Meanwhile, against the order of the CGRF dated 30.07.2020, the Discom (Respondent) has filed a 'review petition' bearing RA No.5/2020 before the CGRF requesting for reviewing their decision for refund of the amount only for a period of 12 months in terms of Supply Code, 2017 as against the refund of approximately for 24 months as ordered by the CGRF.

4 While hearing the petition of the appellant it has transpired that the said review petition of the Discom is pending with the CGRF which has neither been rejected nor admitted. The same has also been confirmed by both the parties i.e. the Appellant and the Discom during the hearing. The Discom has also confirmed during the hearing that they have filed the said review petition against the original order dated 30.07.2020 of the CGRF as the said order has awarded the refund of the excess amount beyond the period of one year (12 months) i.e. for 24 months which is against the terms of the DERC Supply Code & Performance Standards Regulations, 2017. The said contention of filing the review petition by the Discom before the CGRF has also been corroborated by the Appellant during the hearing.

5. From the facts as disclosed and elaborated during the course of the hearing, it is thus found that the appeal filed by the appellant before the Ombudsman is still at the "premature stage" as the final decision with regard to the 'grievance' of the Appellant as well as the pleading of the Discom through the 'review petition' is yet to come up for hearing in the CGRF. Under these circumstances it won't be prudent for the Ombudsman to draw a final conclusion on the merit of the case and adjudicate upon the pleading of the Appellant until and unless the CGRF appropriately adjudicates upon and settles this case on merits.

6. Further, the Appellant may file an appeal before the Ombudsman in case he still feels aggrieved and is not satisfied with the outcome of the review of the case by the CGRF, for the grievance, if any.


(S.C.Vashishta)
Electricity Ombudsman
27.10.2020