

OFFICE OF THE ELECTRICITY OMBUDSMAN
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
B-53, Paschmi Marg, Vasant Vihar, New Delhi-110057

Ref: E.OBM/2004-05/Secy/15

Dated: 14th July, 2005

Appeal No. Electricity Ombudsman/2004-05/15

Appeal against letter dated 1.03.2005 of the CGRF- BYPL vide No: Secy/05/202.

In the matter of: M/s G.R.Wadhawan - Appellant

Versus

M/s BSES-Yamuna Power Ltd. - Respondent

Present:-

Appellant

1) Shri G.R.Wadhawan

Respondent

- 1) Shri Vikas Rastogi, Business Manager
- 2) Shri T.P. Singh, Section Officer (Billing)
of BYPL

Date of Hearing: 29.06.2005 & 13.7.2005

Date of Order : 14.07.2005

ORDER NO. OMBUDSMAN/2005-06/15

This is the case of an appellant Shri G.R. Wadhawan, who is a senior citizen aged 77 years. He has allegedly suffered harassment at the hands of AFO, BSES-BYPL.

In his application before the Electricity Ombudsman, the appellant has stated that he had filed a complaint before the District Consumer Dispute Redressal Forum (DCDRF)- East vide Complaint No. 342/2002 which was disposed off vide their order dated 10.4.2003. The DCDRF also passed an order dated 2.8.2004 holding held that its order (disposing of the Complaint No.: 342/2002 of 10.4.2003) had been complied in toto.

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The appellant further stated that his present complaint is against a Revised Bill which is "inflated" and "incorrect" working and is not connected with the complaint before the DCDRF or its implementation. His grievance is that he met AFO, BSES-BYPL on 4.12.2004 for pointing out the inaccuracy in the Bill, but did not meet any success on 4.12.2004. Subsequently, on the same day he submitted an application regarding the same complaint. On 7.12.2004 his electricity supply was disconnected, while he was away from home. Not only notice was not given to him stating the reason for disconnection of the electricity supply but he was kept in the dark about the fact that the electricity supply had been disconnected deliberately. Several visits to the office of the AFO and to the officials responsible for disconnection gave him no reply and merely kept shunting him from one person to another.

In fact, on 9.12.2004, the appellant again attended the office of the BSES-BYPL and he was told that according to the records the supply has not to be disconnected and the AFO stated that there are so many agencies involved in disconnection of supply and he would be able to tell the same after a week and communicate to the appellant by 14.12.2004. The next day again the appellant visited the office of BSES-BYPL and gave another application to the CEO about the harassment caused to him. It was only then that the appellant came to know that his electricity supply has been disconnected on 7.12.2004 in a clandestine manner. The appellant stated that AFO behaved in most arbitrary, high handed and arrogant manner in getting his electricity supply disconnected on 7.12.2004 in an illegal and unwarranted manner.

That on 20.12.2004 the reading on his meter recorded was 24317.8 units for which he had paid an amount of Rs.18000/- (plus Rs.60/- being re-connection fee). It is stated that again on 10.1.2005 the AFO sent another official for disconnection of the electricity supply, even though his earlier applications seeking correction of bills were pending and the due date for latest bill for payment of Rs.4240.15 was 14.2.2005 (this gave him more than a months' time to pay the bill). The amount of Rs.4240/- was eventually paid on 12.2.2005 even though the due date was 14.2.2005. The appellant has stated that he has paid Rs.22300/- from 21.12.2004 to 12.2.2005 under coercion and illegal and unwarranted disconnection of electricity supply by AFO.

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The appellant's prayer now is to get a correct month-wise bill from 22.7.91 to date on the basis of actual consumption/minimum charges and adjustment to be made of all the payments he has made so far.

1. Consumer Grievance Redressal Forum-BYPL did not examine the issues raised by the appellant in his application dated 23.2.2005, but, rejected his complaint on the ground that the case is not entertainable under the DERC Clause 7(3). The clause 7(3) of DERC

“ The Forum shall not entertain a complaint if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending of a decree, award or a final order has already been passed by any competent court, authority or forum or is frivolous or vexatious in nature”.

It is evident from the DCDRF Order of 2.8.2004 that its earlier order dated 10.4.2003 has already been implemented in toto. Therefore, no proceeding was pending before that Forum.

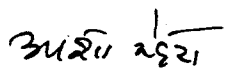
In its present complaint the appellant is merely asking the BYPL for month-wise bills to be prepared on the basis of actual consumption/minimum charges and credit to be given for all the payments made by him. His complaint is also against the harassment and the rude behaviour by the AFO in illegally disconnecting the electricity supply of the appellant, and the undue harassment caused to him by it.

After calling for the records of CGRF and the necessary information from the appellant, the case was fixed for hearing on 17.6.2005. On a request by BSES-BYPL to postpone the hearing, it was deferred to 29.6.05.

On 29.6.05 the case was heard, the appellant Shri Wadhawan attended in person. Shri Vikas Rastogi, Business Manager of BYPL attended alongwith Shri T.P.Singh, Section Officer (Billing). The case was heard in detail. Directions have been issued to the Respondent to prepare a statement showing appellant's month-wise consumption of electricity from July 1991 to date, considering the load of 3 Kw and giving credit for all payments made by him. This statement was required on 13.7.2005 at 11.30 AM which would be scrutinized by the Ombudsman's office.

I am constrained to place on record the unpardonable behaviour of Shri Narender Pal, AFO and the harassment caused to an elderly consumer for no fault of his. It is desired that the CEO-BYPL impose a fine of Rs.500/- on Narendar Pal for the deliberate hurt caused to a senior citizen. The amount may be deposited with DERC under intimation to this office. The Business Manager, Shri Vikas Rastogi was asked to ensure that the personnel under his charge do not resort to such arrogant behaviour with the consumers.

On 13.7.2005, Shri Vikas Rastogi, Business Manager attended the hearing alongwith Shri T.P.Singh, Section Officer (Billing). He submitted the calculations as directed above. This statement shows a net credit of Rs.22,104.22p. Answering a query by the Ombudsman, Shri T.P.Singh stated that on an average, monthly bill of Shri Wadhawan has been Rs.400/- to Rs.500/-. In view of this, it will not be proper to keep the credit of Rs.22,104.22 which will take minimum 3-4 years to be adjusted against future consumption of electricity by him. Accordingly, it is ordered that an amount of Rs.22,104.22 may be refunded to the appellant within a week of receipt of this order.


(Asha Mehra)
Ombudsman