

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/2007/183

Appeal against Order dated 0705.2007 passed by CGRF NDPL on CG.No. 01070/01/07/CVL (K.No. 31200455223, 31200455225, 31200117417)

In the matter of:

Shri Jagat Pal Gupta - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Jagat Pal Gupta, Appellant attended along with his advocate Shri R. Sudhinder

Respondent Shri Jitendra Singhal, HOG(R&C), Shri H. C. Verma, HOG and Shri Vivek Executive Legal were present on behalf of NDPL

Date of Hearing : 30.10.2007, 14.11.2007, 19.11.2007

Date of Order : 29.11.2007

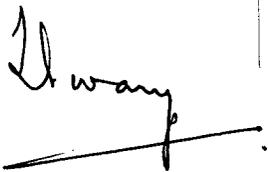
ORDER NO. OMBUDSMAN/2007/183

1. The Appellant, resident of 34, Shri Ram Road, Civil Lines, Delhi- 110054, has filed this appeal against the order of CGRF-NDPL, dated 07.05.2007 in case CG No.01070/01/07/CVL70/2007 as he could not get the full relief sought.

2. The background of the case is:-

The grievance of the Appellant relates to the following three connections:

Sl. No.	K. No.	Meter No.
1.	31200455224Q	1571912 1571913 1571914
2.	31200117417R	0377976
3.	31200455223P	0006475 1571909 1571710



(i) **K. No. 31200455224Q (Meter Nos. 1571912, 1571913 & 1571914)**

On 19.12.2005, the Respondent raised a demand for arrears of Rs3,47,221/- for the period 27.01.1998 to 16.07.2004 in the duplicate bill for November 2005, on the basis of meter readings, as earlier only provisional bills were issued. The Appellant disputed the meter readings record from 05.12.2003 to 16.07.2004. In addition for meter No.1571912 being faulty, there were no readings for the period 28.07.1998 to 25.07.2000. This meter was changed in July 2000 but the bills continued to be raised on provisional basis. The Learned CGRF held that the demand had been raised on actual consumption basis though it remained unbilled due to deficiency on the part of the present licensee and its predecessor. The CGRF allowed the demand raised by the Respondent in the interest of natural justice.

(ii) **K. No. 31200117417R (Meter No. 0377946)**

The Respondent raised a bill in February 2006 showing a net credit of Rs.17,378/-. The subsequent bill dated 04.03.2006 showed the same readings but reflected a debit of Rs.22,617/-, and a net payable amount of Rs.39,990/-. The Respondent claimed that 'dial over' had occurred in March 2004 in the 4 digit meter. In the earlier bills 'dial over' data was not fed into the computer, as such the actual bills were not raised earlier. The Learned CGRF held that the demand raised on the basis of actual consumption was in order.

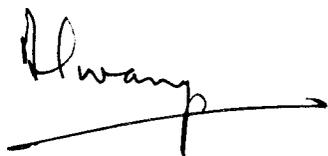
(iii) **K. No. 31200455223P (Meter Nos. 0006475, 1571909 and 1571710)**

The Respondent raised a bill for the period 24.03.2002 to 16.07.2004 along with current charges, showing arrears of Rs.1,26,350/-. The Respondent claimed that the meter was defective during the above period and was changed on 16.07.2004. As per DERC Regulations the defective period had been assessed on the basis of average consumption for the period 16.07.2004 to 07.02.2005. The Learned CGRF ordered that the assessment for the defective period should be made on the basis of average consumption recorded between 16.07.2004 to 02.08.2005, which was done, resulting in relief of Rs.29,548/- to the Appellant.

Not satisfied with the above orders of the CGRF-NDPL, the Appellant has filed this appeal.

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the parties the case was fixed for hearing on 30.10.2007.

On 30.10.2007, Shri Jagat Pal Gupta Appellant was present in person alongwith his advocate Shri R. Sudhinder. On behalf of the Respondent Shri Anurag Bansal and Shri Jitender Singhal, HOG(R&C) were present.



Both parties stated that they will work out an amicable settlement within 2 weeks. The case was fixed for the next hearing on 14.11.2007.

4. On 14.11.2007, the Appellant Shri Jagat Pal Gupta was present with his advocate Shri R. Sudhinder and on behalf of Respondent Shri Jitendra Singhal, HOG(R&C), Shri H. C. Verma, HOG and Shri Vivek Executive Legal were present.

Both parties were heard. The Appellant and the Respondent have arrived at a settlement with regard to K. No. 31200117417R and 31200455223P. Arguments of both Appellant and Respondent were heard regarding K. No. 31200455224Q. The Respondent was asked to file the basis for provisional billing, and also to give the break up of bills raised month wise, for each meter under this K. No. The next hearing was fixed for 19.11.2007 for filing of Statement of Account with details of settlement arrived at for the other two K. Nos.

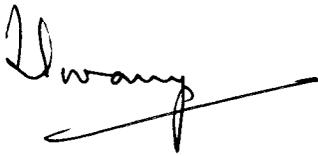
5. The Respondent has submitted vide letter dated 19.11.2007 that they have settled the matter amicably with the consumer and to his satisfaction. The Respondent has filed the Joint Memorandum of Settlement signed by both the parties on 19th November 2007 and has requested for closure of the case. No request for withdrawal of the appeal is however received from the Appellant, Shri Jagat Pal Gupta. The Joint Memorandum of Settlement dated 19th November 2007 is taken on record.
6. The following details in brief are mentioned in the Memorandum of Settlement dated 19th November 2007 in respect of each of the 3 K. Nos:

(i) **K. No. 31200455224Q (Meter Nos. 1571912, 1571913 & 1571914)**

Earlier a demand was raised by Respondent for the period 1998 to 16.07.2004. While arriving at the Settlement, Respondent NDPL has accepted that they will restrict their claim to 3 years i.e. from 28.07.2001 to 16.07.2004, which is agreed to by the Appellant. The Respondent NDPL will take the readings from its Log Book for the period 28.07.2001 to 16.07.2004, which is also accepted by Appellant. The net revised demand has been worked out to Rs.1,04,599/- against the earlier demand of Rs.3,52,552/-. Thus, the Appellant will get relief of Rs.2,47,953.35/-.

(ii) **K. No. 31200117417R (Meter No. 0377946)**

While arriving at the Settlement, the Appellant has agreed not to press for any relief and has accepted the disputed bill raised by the Respondent NDPL dated 04.03.2006 without demur.



(iii) K. No. 31200455223P (Meter Nos. 0006475, 1571909 and 1571710)

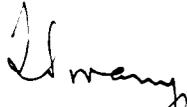
Earlier the Respondent had issued an assessment bill for the period 24.03.2002 to 16.07.2004 when the meter was defective. While arriving at the Settlement, Respondent NDPL has agreed to charge only for 6 months preceding 16.07.2004, which is in accordance, with its policy. The base period of 1 year has been taken for deciding the average consumption, as directed by the CGRF in its order dated 07.05.2007.

As per the Settlement the credit adjustments for all the above 3 K. NOs. shall be computed by Respondent NDPL and will be given in the subsequent bills against the said K. No.

8. In view of the amicable Settlement arrived at between the Respondent and the Appellant on 19th November 2007 and filed before me, the appeal is dismissed.

Dated

29.11.07.


(Suman Swarup)
Ombudsman

29.11.07