

**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/2007/187**

Appeal against Order dated 08.06.2007 passed by CGRF – NDPL in CG.No.1100/02/07/SMB (K.No. 45100129334).

**In the matter of:**

Shri Sanjeev Goel - Appellant

**Versus**

M/s North Delhi Power Ltd. - Respondent

**Present:-**

**Appellant** Shri Sanjeev Goel, Appellant attended along with his advocate  
Shri Sohal Lal

**Respondent** Shri Promod Kumar, Section Officer  
Shri Vivek Executive Legal attended on behalf of NDPL

**Dates of Hearing :** 22.11.2007, 05.12.2007, 19.12.2007, 26.12.2007

**Date of Order :** 08.01.2008

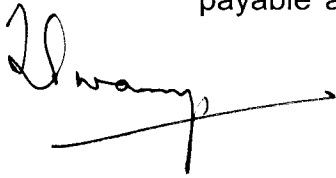
**ORDER NO. OMBUDSMAN/2008/187**

1. The Appellant, Shri Sanjeev Goel has filed this appeal against the order of the CGRF NDPL dated 08.06.2007 in case CG. No. 1100/02/07/SMB with the following prayer:
  - a) To set aside / quash the order dated 08-06-2007 passed by learned CGRF vide case No. CG.No.1100/02/07/SMB/1029.
  - b) To order that fresh bills be raised after excluding the illegal demand on account of assessments and after complying with the orders of the Hon'ble PLA dt. 24/04/2005 and the order of the Respondent company for withdrawal of misuse charges w.e.f.24/07/1999, and after reversal of J.E. (Journal Entry) which was debited in the bills of the applicant from time to time, by the respondent company. No late payment surcharges be levied on these amounts.

- c) To order that the electricity supply may not be disconnected till the revised bill is made out.
- d) To pass any such other orders in favour of the appellant as may deem just and proper keeping in view the facts and circumstances of the present case,

2. The background of the case is as under:

- a) An electricity connection no. 45100129334 having a sanctioned load of 94.52 KW existed in the property bearing no. SSI-17, Industrial Area, GTK Road, Delhi in the name of Shri Rajender Kumar & brothers. The Appellant states that he had taken the above said premises on rent through verbal tenancy in the year 2003 and has been in use and occupation of the premises since then, and is running an industrial unit from there.
- b) An inspection was carried out in the premises on 24.07.1999 i.e. prior to occupation by the Appellant. On the basis of the inspection report a FAE bill for Rs.6,01,733/- was raised against the previous occupant. The case of the FAE bill of Rs.6,01,733/- was decided by the Hon'ble PLA vide order dated 24.04.2005 with the directions for payment of Rs.3,60,000/- and for adjustment of a credit JE of Rs.80,000/-.
- c) Based on the inspection dated 24.07.1999, misuse charges were also levied on the then occupant. On representation by the Appellant the misuse charges were withdrawn vide Manager Enforcement's order dated 23.08.2003.
- d) The Appellant, Shri Sanjeev Goel, approached the officials of the Respondent several times for revision of the bills based on the Hon'ble PLA's order, and the order of Manager Enforcement for withdrawal of misuse charges against the connection. As the above orders were not complied with, the arrear amount accumulated to Rs.32,57,591/- as reflected in the June 2007 bill, out of which about 50% was on account of LPSC. The Appellant had been making regular payments of electricity bills without misuse charges since occupying the premises in 2003.
- e) The Appellant filed a petition before the Hon'ble High Court of Delhi and was directed vide order dated 05.02.2007 to approach the CGRF.
- f) During the hearing before the CGRF, the Respondent submitted that the required calculations for withdrawal of excess amount billed earlier are being done, and are being sent to audit for verification. A credit JE was accordingly prepared for Rs.26,49,353/- by Respondent and the net payable amount was worked out to Rs.5,64,311/-. The CGRF directed



the Respondent to arrange for approval by the competent authority of the revised amount by 31.07.2007. In the meantime the Appellant was directed to deposit a sum of Rs.3 lacs by 30.06.2007 out of the Rs.5,64,311/- stated to be due.

Not satisfied with the above order of the CGRF, the Appellant has filed this appeal and has deposited Rs.1,89,000/- being 1/3<sup>rd</sup> of the payable amount as per the order of the CGRF.

3. After scrutiny of the appeal, the records of the CGRF and submissions made by both the parties, the case was fixed for hearing on 22.11.2007.

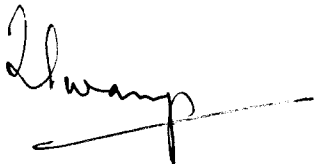
On 22.11.2007 the Appellant was present in person along with his advocate Shri Sohan Lal. The Respondent was present through Shri Vivek, Executive Legal, and Shri Promod Kumar, Section Officer.

Both parties were heard. A preliminary objection was raised against the locus standi of Appellant to file the appeal as he is not the registered consumer as per records as the connection is in the name of M/s Rajender Kumar and Brothers. Appellant filed a letter dated 25.09.2007 stating that he is now the proprietor of M/s Rajender Kumar & Sons located at the premises. To establish this fact, copies of documents pertaining to Sales Tax and Excise Registrations, and order of the Hon'ble High Court dated May 14<sup>th</sup> 2007 in CS (O.S.) No.654 of 2006, have been filed. The Respondent does not raise any objection in this regard. The Respondent stated during hearing that they had no objection to implementation of the order of the Hon'ble PLA settling the FAE bill, or that of the Manager Enforcement withdrawing the misuse charges. The Respondent was accordingly directed to provide a final statement of dues by 26.11.2007. Notice was also issued to the original recorded consumer, as the Appellant has occupied the premises on verbal tenancy. The case was fixed for hearing on 05.12.2007.

4. On 05.12.2007 the Appellant was present in person and the Respondent was present through Shri Vivek, Executive Legal and Shri Pramod Kumar, Section Officer.

The Respondent requested for time to file a final statement of dues. The Appellant does not object. It was directed that the final statement of dues be filed by 18.12.2007, and a copy given to the Appellant. The case was fixed for hearing on 19.12.2007.

5. On 19.12.2007, the Appellant, Shri Sanjeev Goel was present in person. On behalf of the Respondent Shri Vivek, Executive Legal and Shri Pramod Kumar, Section Officer were present.



Both parties were heard. It was informed by the Respondent that the final statement of dues had been worked out. The Respondent submitted a revised statement of dues as on 30.11.2007, after revising the amount due on account of Hon'ble PLA's order and withdrawing the misuse charges and LPSC charges. As per this statement a sum of Rs.1,14,291/- was found to be payable by the Appellant, including the current dues up to November 2007. The Appellant informed that in the revised statement of account now submitted, credit of JE of Rs.80,000/- has not been given, though the Hon'ble PLA had ordered for its adjustment. The Respondent was also directed to exclude the current dues from July 2007 to November 2007 as these were not in dispute and nor were these the subject of appeal, and to give a clear revised statement indicating the amount of arrears payable as on 30<sup>th</sup> June 2007. The final statement of dues was agreed to be submitted by 26.12.2007 as the Respondent stated that they required some time to obtain necessary approvals from their senior officers.

6. In the final revised statement submitted on 26.12.2007, the Respondent had again not given the credit of JE for Rs.80,000/- as ordered by the Hon'ble PLA whereas in the earlier written replies / comments on the appeal it had been admitted that this credit JE of Rs.80,000/- was being excluded from the revised amount payable by the Appellant.

It is the standard practice that when a FAE bill is raised for a certain period, the amount of the bills paid by the consumer as per energy recorded as supplied through the meter for the same period, is credited in the consumer's account. As per the replies filed by the Respondent, the JE for Rs.86,097.22/- is agreed to, on account of bills paid by the consumer during the four month period, for which FAE bill was raised. Hence the Hon'ble PLA has ordered for adjustment of the credit J.E. of Rs.80,000/-.

7. From the statement furnished by the Respondent it is seen that the details of credits to be given against the arrear amount of Rs.32,57,591/- as mentioned in the June '07 bill are as under:

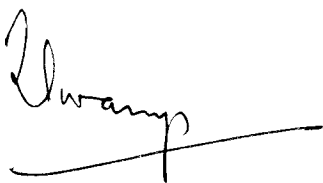
**(i) Credit on account of the Hon'ble PLA's order dated 24.04.2005:**

As per the Hon'ble PLA order the FAE bill of Rs.6,01,733/- was settled against on amount of Rs.3,60,000/- which was paid, and a credit of JE amount of Rs.80,000/- was to be further adjusted.

The amount to be credited therefore works out to

$$= \text{Rs.}6,01,733 - \text{Rs.}3,60,000 + \text{Rs.}80,000 = \text{Rs.}3,21,733/- \text{ ... (A)}$$

**(ii) Credit on account of Withdrawal of misuse charges as per the order of Manager Enforcement dated 23.08.2003:**



DVB period = Rs.694558/-

NDPL period = Rs.448707/-

Total credit = Rs.1143265/- ... (B)

(iii) **Credit on account of withdrawal of LPSC charges as mentioned in the June 2007 bill:**

LPSC amount to be credited = Rs.16,06,736/- ... (C)

(iv) **The Total amount to be credited therefore works out to Rs.30,71,734/- (A+B+C)**

The revised arrears payable by the Appellant as in June 2007, have been worked out by Respondent to be (Rs.32,57,591 – Rs.30,71,734 ) = Rs.1,85,857/-.

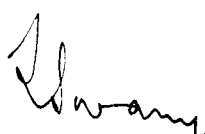
8. It is seen that the Appellant has already paid an amount of Rs.1,89,000/- (comprising 1/3<sup>rd</sup>), against the net payable amount of Rs.5,64,311/- as per the CGRF order. Thus an excess payment of Rs.3,143/- (Rs.189000/- – Rs.1,85,857/- ) has been made which should be adjusted in future bills after June 2007. The Appellant shall continue to make payments against the current demand as and when raised after June 2007.

It is observed that the Respondent has repeatedly changed the statement of account and arrears payable against this connection, which reflects adversely on the accounting system of the Respondent.

The original consumer has also not come forward to attend the hearing despite notice having been issued to him. The Appellant, Shri Sanjeev Goel, who is occupying the property and using the connection, is agreeable to pay the amount for the period prior to 2003, and to settle the matter with his landlord. This will however not establish his claim to the property as a lawful occupant, in any manner, since a case regarding his tenancy is pending in the court as per the statement of Appellant. The Appellant is allowed to settle the issue of payment of electricity arrears, so that supply is not disconnected, without prejudice to any decision that may be taken with regard to the issue of legal occupancy of the premises.

**The CGRF order is modified to the extent indicated in para's 7 and 8 above, and the appeal disposed off.**

8<sup>15</sup> January 2008.

  
(Suman Swarup)  
Ombudsman