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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/2007/196

Appeal against Order dated 18.08.2006 passed by CGRF – BYPL in complaint no. CG-216/06/2006.

In the matter of:

Smt. Shakuntla Devi

- Appellant

Versus

M/s BSES Yamuna Power Ltd

- Respondent

Present:-

Appellant

Shri Pritam Singh husband of the Appellant and
Shri Prem Chand, Advocate of the Appellant

Respondent

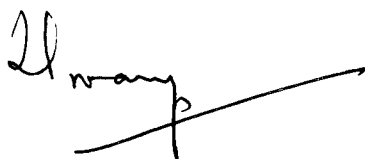
Shri Rajeev Ranjan, Assistant Manager (Legal)
Shri Dilip Aggarwal, Commercial Officer, and
Shri Kanwar Pal, Dealing Assistant attended on Behalf of BRPL

Date of Hearing : 07.12.2007, 09.01.2008, 18.01.2008

Date of Order : 24.01.2008

ORDER NO. OMBUDSMAN/2008/196

1. The Appellant Smt. Shakuntala Devi, has filed this appeal against the order of CGRF-BYPL dated 18.08.2006 in the case no. CG 216/06/2006 with the following prayer:
 - (i) to comply with the orders of the Forum and refund the amount of Rs.46,164.90 with interest from the date it was due, and as directed by Hon'ble Forum.
 - (ii) to revise the bill deeming the date of disconnection to be 13.10.1997 when the supply was disconnected from the pole.
 - (iii) Any other relief as deemed fit.

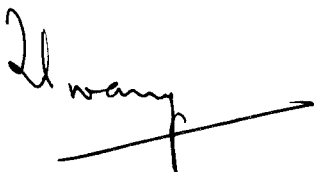


2. The background of the case is as under::

- i) The Appellant had an electric connection K. No. 622-122671 V 411 IP/IS at her premises Kh. No. 473, Village Tukhmir Pur, Delhi – 110 094 for a sanctioned load of 3 kw.
- ii) On the basis of inspection by the Enforcement unit on 07.06.1996, the connected load of 29.51 kw was detected and a FAE bill amounting to Rs.2,07,397/- was raised and paid by the Appellant in installments.
- iii) The Appellant states that the supply was disconnected from the pole on 13.10.1997 by the then DVB officials. Despite various representations, the supply was not restored and a credit of Rs.46,164/- shown in the June 1998 bill, had not been refunded till date.
- iv) The Appellant filed a complaint before the CGRF-BYPL on 12.06.2006 for refund of the credit amount of Rs.46,164/- and restoration of supply.
- v) During the hearing before the CGRF, the Respondent informed that from October 1996 to March 1997 the Appellant was billed on the basis of the connected load of 29.51 kw as against the sanctioned load of 3 KW, along with LPF charges. On the request of the Appellant the site was re-inspected on 22.01.1998 and connected load of 11.19 KW was found and accordingly the load of the Appellant was reduced from 29.51 KW to 11.19 KW and LPF charges were also withdrawn, and the revised bill was paid. The Respondent admitted that an amount of Rs.46,164.90 was shown as credit in the bill of June 1998 due to revision which was done with retrospective effect after taking into account the misuse and LPF on the connection.
- vi) The CGRF in its order directed that credit of Rs.46,164.90 be given and the consumer be billed on the basis of connected load of 11.19 KW from the date of application for inspection, and the amount already paid by Appellant be adjusted and the refund be given within three weeks. The supply be restored within the next three days, if not already restored.

3. In her appeal, the Appellant has alleged that the Respondent instead of refunding the amount of Rs.46,164/- as directed by the CGRF had sent a bill for Rs.1,96,120/- for the month of March 2007 without furnishing any details. On inquiry from the Respondent it was revealed that the Respondent had taken the date of disconnection of the Appellant's supply to be October 2002, whereas the supply according to the Appellant was disconnected from the pole in October 1997. The bill raised included charges up to October 2002.

4 The Appellant had submitted another representation dated 29.05.2007 to the Forum for directing the Respondent to revise the bill taking the disconnection date to be 13.10.1997 instead of October 2002.



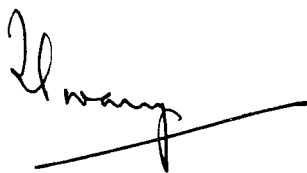
The CGRF did not consider the representation dated 29.05.2007 and directed the complainant to file a revision before the Ombudsman, as the Forum cannot review its previous order.

Not satisfied with the CGRF order the Appellant had filed this appeal against the order of CGRF-BYPL.

5. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the Respondent, the case was fixed for hearing on 07.12.2007.

On 07.12.2007, the Appellant was present through Shri Pritam Singh, her husband. The Respondent was not present upto 12.30 pm. The Appellant was heard. He requested for time to produce relevant documents i.e. bills from June 1996 onwards, inspection reports, and copies of correspondence exchanged with the Respondent at the next date of hearing. The case was fixed for the next hearing on 28.12.2007.

6. On 28.12.2007, the Appellant was present through her husband Shri Pritam Singh. The Respondent was present through Shri Rajeev Ranjan, Assistant Manager (Legal), Shri Dilip Aggarwal, Commercial Officer and Kanwar Pal, Dealing Assistant. The Respondent stated that the order of the CGRF have been complied with and the supply restored on 27.01.2007. The Respondent was directed to produce complete statement of bills raised, amounts paid / deposited from June 1996 onwards, documents regarding meter disconnection / removal particulars, and action taken to replace tampered meter be also given. The case was fixed for hearing again on 09.01.2008.
7. On 09.01.2008, the Appellant was present through Shri Prem Chand, Advocate. The Respondent was present through Shri Rajeev Ranjan, AM(Legal), Shri Kanwar Pal, Dealing Assistant. The Respondent did not produce the records regarding the disconnection / removal of meter as directed earlier. They were asked to do so at the next date of hearing. The Appellant agree to produce the re-inspection report at the next date of hearing fixed for 18.01.2008.
8. On 18.01.2008, the Appellant was present through Shri Prem Chand, Advocate. The Respondent was present through Shri Rajeev Ranjan, AM(Legal), Shri Dilip Aggarwal. The Appellant submitted the re-inspection report dated 21.08.1997 which is taken on record. The Respondent could not produce any record of disconnection notices sent for non payment of dues, disconnection particulars except copy of meter reading book sheets, wherein meter readings remained static at 15100 from June 1997 onwards with DISC mentioned in October 2002. The Respondent's version that supply was disconnected in October 2002 is not borne out from the record produced.
9. The Appellant's version that the supply was disconnected in October 1997 does not appear to be true also in the light of various letters dated 17.08.1998, 21.05.1999, 07.09.1999 and 08.10.1999 of the Appellant requesting XEN-DVB for replacing the tampered meter as she has already paid the theft bill. She




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stated that these requests for replacing the meter are being made to avoid any future complications i.e. she may not be booked again for having a tampered meter. These records indicate that the supply was in use till October 1999. In another letter dated 13.05.1998, the Appellant had requested AFO, DVB that her load be reduced from the date of application and the bill be revised accordingly. When confronted with the above letters of the Appellant, her advocate admitted that the supply might not have been disconnected in October 1997. Vide another letter dated 21.10.1999 the Appellant had requested XEN (D) YVR for restoration of supply, which stands disconnected from the pole. The consumer's premises were inspected on 22.01.1998 when a connected load was found to be 11.19 kw. Had the supply been disconnected in October 1997 as stated by the Appellant, the said inspection would not have materialized.

10. The Respondent has not been able to produce any record of disconnection notices sent from October 1997 onwards nor the disconnection particulars indicating the exact date of disconnection. The remarks of DISC in the meter book are recorded at the time of visit of the meter reader and do not indicate as to when the supply was actually disconnected. The disconnection particulars were not produced signed by officials who disconnected the supply. After taking into consideration the records / evidence produced by the Appellant as well as the Respondent, it can be assumed safely that the supply had been disconnected in October 1999. The consumer is therefore liable to make payment on the basis of 11.19 kw upto October 1999 and thereafter for six months MG on account of disconnection due to non payment of bills. **This amount after adjustment of any credit due should be recovered by the Respondent within a period of 10 days of this order i.e. by 4th February 2008.**
11. The Respondent also produced a file containing all correspondence between the enforcement unit and the district officials which revealed that numerous communications were sent by XEN (ENF.) to XEN (D) YVR for replacing the meter found tampered with during the 1996 inspection. The same meter became / remained static at reading 15100 from June 1997 till it was disconnected years later. The concerned officials of the Respondent appear to be hand in glove with the consumer as the consumer was allowed to draw electricity through a tampered meter which later on became static, as stated above and was never replaced. **The Respondent should get a vigilance inquiry conducted against the officials responsible for the above lapses, causing loss in revenue to the Respondent / public money.**

The CGRF order is modified to the extent above.

24/12 January 2008


(Suman Swarup)
Ombudsman