

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/2007/199

Appeal against Order dated 11.12.2007 passed by CGRF -- NDPL in CG.No.0953/11/06/BDL (K.No. 44405011406).

In the matter of:

Smt. Anita Gupta

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant

Shri Kul Bhushan (husband of Appellant) attended on behalf of the Appellant

Respondent

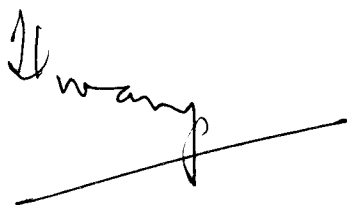
Shri S.P. Tripathi, Zonal Manager, 581 Zone
Shri Arun Sharma, Commercial Manager, Distt. Badli,
Shri Naveen Kumar, JE, 581 Zone and
Shri Vivek Executive Legal were present on behalf of NDPL

Date of Hearing : 06.12.2007

Date of Order : 07.12.2007

ORDER NO. OMBUDSMAN/2007/199

1. The Appellant has filed this appeal stating that as per the order of CGRF-NDPL dated 11.12.2006 in case CG No. 0953/11/06/BDL, there was a credit of Rs.93/- in her account after adjusting all dues upto 25.09.2006. Instead of complying with the CGRF's order, the Respondent disconnected her supply arbitrarily on 29.12.2006. On account of this illegal action of the Respondent undue harassment, mental torture was caused to her. Appellant's subsequent complaint, dated 18.10.2006 to the CGRF was not adequately addressed, though supply was reconnected on 05.01.2007. She has claimed damages amounting to Rs.1 lac.



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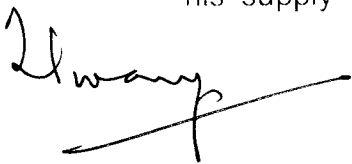
2) The background of the case is as under:

- (i) The Appellant's premises no. I-5/84, ground floor, Sector 16, Rohini, Delhi was not in use / lying locked. The Appellant informed the Respondent about "supply not in use" and deposited advance payment of Rs.500/- on 12.04.2005. In the November 2005 bill a credit of Rs.310/- was reflected with the remarks "supply not in use".
- (ii) No further bills were received by the Appellant. In May 2006 she got a duplicate bill of Rs.9,510/- based on consumption of 2627 units for the period 07.10.2004 to 17.07.2006. The Appellant represented against the bill based on wrong readings and as no action was taken by the Respondent for correcting the bill, she filed a complaint before the CGRF. As per the CGRF's order dated 11.12.2006 the bill was revised with a credit of Rs.93/-, after adjustment of all dues upto 25.09.2006.
- (iii) After the CGRF's order dated 11.12.2006 the Respondent disconnected the supply of the Appellant on 29.12.2006 for non-payment. The Supply was reconnected only on 05.01.2007, after the Appellant represented before the Respondent officials, and submitted a written complaint before the CGRF with regard to humiliation, harassment and mental torture caused to her by the Respondent officials for which she claimed damages. The Appellant was not satisfied with the reply received from the CGRF and has filed this appeal with a prayer for compliance of CGRF's order and grant of compensation of Rs.1 lac due to mental torture and harassment caused to her by the Respondent.

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 06.12.2007.

On 06.12.2007 the Appellant Smt. Anita Gupta was present through Shri Kul Bhushan. On behalf of Respondent Shri S. P. Tripathi, Zonal Manager 581 zone, Shri Arun Sharma, Manager Commercial district Badli, Shri Naveen Kumar, JE 581 Zone and Shri Vivek, Executive Legal were present.

4. Both parties were heard. After hearing the arguments it was observed that the Respondent has handled the case with utter callousness even after CGRF's order, and caused unnecessary harassment to the Appellant. Not only was the bill not revised as per CGRF's order dated 11.12.2006, but the supply was disconnected on 29.12.2006. No satisfactory explanation could be given by the Respondent for non-compliance of CGRF's order and for disconnection of supply. From the bills produced by Appellant it is seen that his supply has been declared as "Not in use" and he has been regularly



making advance payments. After December 2006 and till 30th November 2007, advance payments of Rs.1390/- have been made.

The Respondent admitted that bills have been wrongly raised, even after CGRF's order, and supply too was wrongly disconnected for non-payment of the erroneous bills. Respondent agreed that since the supply had been declared as "Not in use", only fixed charges were leviable. The exact calculation regarding amount due was however not readily available and Respondent agreed to produce a statement by Friday 7th December 2007. A statement has been received on 7th December 2007 from Respondent, indicating that after adjusting all dues upto 31.03.2008, i.e. the end of the financial year, a surplus amount of Rs.1020/- is available. This was taken on record.

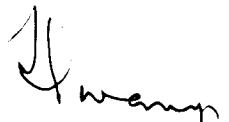
5. After considering all facts on record and the arguments of the parties, it is decided that the Appellant be charged on fixed charge basis only for the period 01.10.2006 upto 31.03.2008, since the Appellant has already given in writing that he will not be using the supply during this period. All incorrect bills issued to the Appellant be withdrawn and a revised bill be issued.

The advance payment of Rs.1,390/- and the credit of Rs.93/- as on 25.09.2006, given by CGRF, be adjusted against the dues and the balance refunded through cheque to the Appellant.

In case the consumer wants further extension of "supply not in use" facility, he will intimate the Respondent 30 days in advance.

A compensation of Rs.50/- per day for the seven day period when the supply remained disconnected wrongly, and Rs.2,000/- for unnecessary harassment, be given to the Appellant

Dated
7th December 2007.


(Suman Swarup)
Ombudsman