

**Office of the Electricity Ombudsman**  
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)  
**B-53, Paschimi Marg, Vasant Vihar, New Delhi – 100 057**  
(Phone No.: 39506011 Fax No.26141205)

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Ref: E.OBM/A/05/20

Dated: 29<sup>th</sup> July, 2005

**Appeal No. F. ELECT/Ombudsman/2005-06/20**

Appeal against letter dated 28.01.2005 passed by CGRF – BSES Yamuna Power Ltd. vide their letter No: Secy/04-05/66.

**In the matter of:** Mr. Triloki Nath Wanchoo - Appellant

**Versus**

M/s BSES Yamuna Power Ltd. - Respondent

**Present:-**

**Appellant** Shri Triloki Nath Wanchoo

**Respondent** Shri Prem Kumar, Business Manager (Comm.), Jhilmil  
Shri Daya Kishan, Assistant of BSES- Yamuna Power Ltd.

Date of Hearing : 26.07.2005

Date of Order : 29.07.2005

**ORDER NO. OMBUDSMAN/2005/20**

In this case, the appellant Shri Triloki Nath Wanchoo, has stated that from February 2003 onwards an amount of Rs.2624.84 was appearing as arrears even though it had been paid within the due date. This arrears continued to appear in his bill for 16 subsequent months and each time a bill was received including the arrears of Rs.2624/84 he made the payment of the "current demand" as per instructions written (on each bill) by the BYPL officials after he visited the BYPL office and showed the payment made by him.

Since the arrears appeared for 16 succeeding months after February 2003, he approached the CGRF for compensation under Clause 13A of the Delhi Electricity Regulatory Commission (Performance Standards – Metering and Billing) Regulations, 2002.

The Secretary, CGRF informed the consumer vide letter dated 28.1.2005 that his representation is not entertainable as per Section 7(2) of the DERC Regulations and was returned accordingly. On 29.3.2005, Shri Wanchoo vide his letter dated 22.2.2005 wrote to Secretary, DERC giving the facts of the case wherein the arrear appeared in the bills of

June, July, September, October and so on, and each time he got the bill corrected after showing that he had made the payment. Finally in the bill of July 2004, the arrears were not reflected and a correct bill was received by him. He requested for compensation from billing cycle June 2003 to June 2004 i.e. for 13 months on undisputed fully paid amount of Rs.2624.84p @ 10% for the first month and 15% for the second month and 20% for remaining 11 months.

The Grievance Redressal Officer, DERC informed the consumer that under section 42(5) of Electricity Act 2003, offices of Forums for Grievance Redressal of consumer and Ombudsman have been set up, and, therefore, his complaint may be filed with appropriate CGRF.

After this letter of Grievance Redressal Officer of DERC, the appellant vide letter dated 27.5.2005 filed a petition to the office of the Ombudsman explaining his grievance alongwith necessary documents.

In brief, the case of the appellant is that he has been paying the bills for the month of June'03, July'03, August'03 and onwards up to June'04 (detailed of which have already been given in his complaint) within due dates but the amount of Rs.2624/84p paid by him in February 2003, appeared in the month of March'03, continued to appear in the subsequent bills also. Each time he received the bill including the arrears of the amount paid by him, he personally went to the office of the BYPL and got the amount corrected so as to enable him to pay the current demand. The appellant provided the photocopies of the bills from February'03 to July'04 wherein current demand has been paid by him on the instructions written manually on the bills, yet no credit was given of the amount paid in February 2003.

His petition now is for compensation to be paid to him as per Clause 13A (vi) of DERC (Performance Standards Metering and Billing )Regulations 2002. Clause 13A(vi) reads as under:

**“ In case the arrears, as mentioned in clauses (ii) and (iii) appear in a bill for the third time or thereafter, the consumer shall be entitled to make a petition to the Commission and the Commission shall decided the compensation to be made to such consumer on case-to-case basis”.**

In accordance with the above regulations, since arrears (which were fully paid within due date) appeared in the bills more than three times, Clause (vi) of the above regulations will apply, according to which “ in case the arrears, as mentioned in clauses (ii) & (iii) appear in a bill for the third time or thereafter, the consumer shall be **entitled to make a petition to the Commission and the Commission shall decide the compensation to be made to such consumer on case-to-case basis.**

In view of the above, it is the DERC who should have decided compensation to be paid to him for the irregularities in the bills as mentioned above. However, the Ombudsman decided to take up the case, the consumer had already undergone the pain

of visiting various offices for redressal of his grievance and it was thought inappropriate to again forward his petition from this office to the DERC. It was, therefore, decided to hear his petition and grant him compensation for the arrears appearing twice in accordance with the guidelines 13A.

The case was fixed for hearing on 26.7.2005.

A letter was written on 10.6.2005 to the CEO, BYPL apprising him of the grievance of the above said consumer and seeking his comments on the appeal filed by the appellant on the basis of Section 13A of Performance Standards – Metering and Billing) Regulations, 2002.

A reply was received after another reminder dated 24.6.2005 sent to the office of BYPL. Its reply dated 29.6.2005 was of no substance because it merely stated that the allegations of the complainant was not accepted and that the complainant was required to show bank statement to the company which showed that the amount appearing as arrears have been already cleared from the Bank. **A D.O. letter was then written by the Ombudsman to the CEO-BSES intimating the facts of the notice and asking for limited information i.e. merely confirming after verification from the office records whether consumer, Shri Wanchoo has paid the bills on time and if so whether arrears were still shown in the subsequent bills.**

A letter was then received on 18.7.2005 from BSES-BYPL where it was confirmed that an amount of Rs.2624/84p paid in February 2003 by the consumer was accounted for, and credited in BSES account in July 2004. It was further confirmed that the late payment surcharge of Rs.234/- charged on account on non-receipt of the payment was also credited in July 2004.

Now since the information was available with us, the case was fixed on 26.7.2005.

Shri Prem Kumar, Business Manager (Comm.), Jhilmil alongwith Shri Daya Kishan, Assistant attended on behalf of the Respondent. Shri T.N.Wanchoo, the appellant also attended the hearing. He produced all the original bills which showed the corrections made by the BYPL officials to the fact that current demand may be paid. This instruction was found in each of the bill and the arrears continue to be reflected in each of the bill till July 2004 even though the amount was paid by him in February 2003. The Business Manager accepted that the payment was made within the due date by the consumer and admitted that the mistake was located by the auditors of BYPL after more than a year.

Since the consumer has paid the amount of Rs.2624.84p in February 2003 (within the due date) and arrears continued to be reflected in subsequent bills, it is ordered as under :-

1. In accordance with section 13A of above referred DERC (Performance Standards Metering and Billing) Regulations 2002, compensation @ 10% of Rs.2624.84 (Rs.262/-) of the arrears is ordered for the first month June

2003 (as above, the regulation came into effect from the billing cycle June 2003)

2. Since the arrears appeared again for the second time compensation is ordered @ 15% of Rs.2624.84 (Rs.393/-) of the arrear amount.
3. As per clause 13A (vi) of the above Regulation, it is the DERC which is to decide the compensation, in case the arrear appeared for third time or thereafter. Therefore, no compensation is being awarded here for arrears appearing third time and thereafter. The appellant is entitled to may make a petition to DERC, if he so desires.
4. **The BYPL is directed to pay the compensation of Rs.655/- (Rs.262/- + Rs.393/-) for crediting the said amount in his future bill.**

In view of the above, the order dated 28.1. 2005 of the CGRF – BYPL is set aside.

अशा मेहरा  
(Asha Mehra)  
Ombudsman