

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/2007/203

Appeal against Order dated 28.06.2007 passed by CGRF–NDPL in CG.No.01232/05/07/RHN.

In the matter of:

M/s Lal Jyoti Co-Op. Group Housing Society Ltd. - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Yagya Datta Mishra, Secretary of the Society

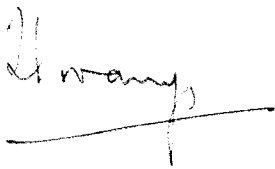
Respondent Shri Rajeev Kharyal, AGM, Distt. Rohini
Shri Sumit Dutt, Section Officer (Accounts)
Shri Vivek AM (Legal) attended on behalf of NDPL

Dates of Hearing : 06.02.2008

Date of Order : 07.02.2008

ORDER NO. OMBUDSMAN/2008/203

1. The Appellant, M/s Lal Jyoti Co-op. Group Housing Society has filed this appeal against the order of the CGRF-NDPL dated 28.06.2007, stating that the arrears of electricity for the period from 04.07.2003 to 19.10.2004 raised by the Respondent in February 2007 are not recoverable under section 56(2) of the Electricity Act, 2003.
2. The brief facts of the case are as under:
 - a) The Appellant filed the complaint dated 01.05.2007 before the CGRF NDPL challenging the arrears reflected in the bill for February 2007 for nine



connections installed for the staircases of the Co-operative Group Housing Society.

- b) The Respondent informed the CGRF that the arrears were on account of change in tariff from DL to ND as per the tariff order 2003.04.
 - c) The CGRF in its order dated 28.06.2007 ruled that the demand of arrears raised by the Respondent was in order, and allowed the Appellant to pay the arrears in three equal instalments.
3. The Appellant in the appeal dated 10.11.2007 before the Electricity Ombudsman has contended that the arrears pertaining to the period 04.07.2003 to 19.10.2004, raised in February 2007, were in violation of the provisions of section 56 (2) of Electricity Act, 2003, since the Respondent can not recover arrears which are more than two years old. The Respondent, however, clarified that this was not a new demand, but correction of the amount as per the Tariff Order 2003-04.
4. The hearing in the case was fixed on 06.02.2008, after going through the records and comments provided by the Respondent. The Appellant was represented by Shri Yagya Datta Mishra, Secretary of the Society, and the Respondent was represented by Shri Rajeev Kharyal, AGM, Distt. Rohini, Shri Sumit Dutt, Section Officer (Accounts) and Shri Vivek Kumar, Assistant Manager (Legal).
5. At the outset, the Respondent submitted that the demand of arrears raised in February 2007 was being withdrawn and revised bills will be given to the Appellant. Accordingly, both the parties submitted a Memorandum of Settlement dated 06.02.2007, pertaining to the following nine K. Nos.:

Sl. No.	K. No.	Amount (Rs.)
(1)	(2)	(3)
1	44300129872	2238.00
2	44301129871	2435.00
3	44301129867	7933.00
4	44300129864	2217.00


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5	44301129861	2608.00
6	44301129860	2225.00
7	44301129857	3672.00
8	44300129856	2182.00
9	44301129855	2211.00
Total		27721.00

The demand of arrears raised in respect of the above K. Nos. shown in column no. 2 was withdrawn by the Respondent and the amount shown in column no.3 credited against the respective K Nos. The Memorandum of Settlement signed by both the parties is taken on record.

6. As the grievance of the Appellant has been amicably resolved, the appeal is disposed off in terms of the Memorandum of Settlement dated 06.02.2008 submitted by the parties.

7/2 February 2008


(SUMAN SWARUP)
OMBUDSMAN