

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/2007/221

Appeal against Order dated 10.10.2007 passed by CGRF – BRPL in case no. CG/195/2007.

In the matter of:

Shri Vikas Ahuja

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant Shri Vikas Ahuja, Appellant was present through
Shri R.K. Mishra, Assistant of Shri Jasmeet Singh, Advocate of the
Appellant

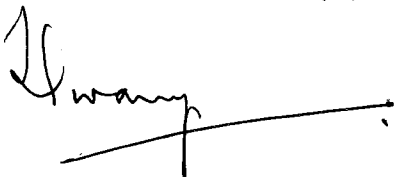
Respondent Shri Dharmendra Ahuja, Commercial Officer, Nehru Place and
Shri Rakesh Gupta, were attended on Behalf of BRPL

Date of Hearing : 17.01.2008, 21.01.2008

Date of Order : 22.01.2008

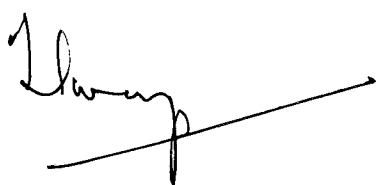
ORDER NO. OMBUDSMAN/2008/221

1. The Appellant Shri Vikas Ahuja, has filed this appeal against the orders of CGRF-BRPL dated 10.10.07 in case no. CG/195/2007 as CGRF has not granted the relief sought by the Appellant in his petition.
2. The background of the case is as under:
 - i) The Appellant and his uncle are owners of the shop on the first floor and second floor of the premises at M-1, Greater Kailash-I (Market), New Delhi. The premises is supplied electricity by two connections being K. Nos. 2530 N521 0130 and K. No. 2530 N521 0133. Since the Appellant was aggrieved by the charges levied in the bills for these two connections by the Respondent, the Appellant filed a writ petition No. W.P.(C) 10531/2005 which was disposed off by the Hon'ble High Court



of Delhi on 17.11.06 with the direction to the Respondent to issue fresh bills in respect of both the connections as on 19.4.05 and also revise the subsequent bills till date, excluding LPSC charges.

- ii) In compliance of the Hon'ble High Court's orders Respondent revised the bill for K. No. 2530 N521 0133 and a credit of Rs.5,31,747/- was given to the Appellant and the dispute for this K. No. was settled.
 - iii) In respect of K. No. 2530 N521 0130 LPSC in the bill raised in February 2007 with due date for payment being 20.2.07, charges of Rs.4,02,208/- were shown in the bill No. 546020.
 - iv) The Appellant filed another CM No. 2907 of 2007 bringing the said facts to the notice of the Hon'ble High Court. The Appellant was permitted to deposit the balance amount including LPSC charges vide order dated 28.2.07. The Appellant sent demand drafts but the Respondent refused to encash the same.
 - v) The Appellant filed another writ petition no. 3531/2007 challenging the bill no. 546020 in respect of K. No. 2530 N521 0130. The said petition was disposed off by the Hon'ble High Court on 11.5.07 directing the Appellant to approach the Consumer Grievances Redressal Forum, Pushp Vihar, New Delhi, subject to the Appellant depositing a sum of Rs.7.0. lakhs.
 - vi) The Appellant filed a complaint before the CGRF on 4.7.07. In the hearing before the CGRF, the Respondent stated that the balance LPSC amount of Rs.4,02,208/- shown in the February 2007 bill was due to system constraint and it was in fact the amount due from Appellant on account of arrears of energy charges.
 - vii) The CGRF in its order dated 10.10.07 observed that the amount of Rs.4,02,208/- had been reflected in the bill for the month of February 2007 as LPSC erroneously due to a problem in the software and this amount of LPSC has been reflected as zero in the subsequent bills for the months of April 2007 and June 2007. The CGRF passed orders with the directions that the Appellant is liable to make the payment of Rs.4,00,746/- as shown in the letter of the Business Manager dated 6.10.07.
 - viii) Not satisfied with the orders of the CGRF, the Appellant has filed this appeal.
3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by Respondent, the case was fixed for hearing on 17.1.08.



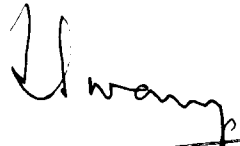
On 17.1.08 Appellant was present through Sh. R. K. Mishra, Assistant of Sh. Jasmeet Singh, Advocate. The Respondent was present through Sh. Dharmendra Ahuja, Commercial Officer and Sh. Rakesh Gupta.

4. Both the parties were heard. The Respondent officials stated that they have prepared a revised statement of account for K. No. 2530 N521 0130, after excluding LPSC charges, and after rectifying certain discrepancies/ errors. The revised statement was produced and a copy was given to the Appellant. As per the revised statement the net amount payable has been shown as Rs.5,27,372.38 against Rs.8,59,710/-, indicated in the February 2007 bill. Thus a reduction of Rs.3,32,338/- is given to the Appellant in the amount payable. Based on the revised statement the net payable amount upto December 2007 is shown to be Rs.8,296/- after taking into account the payments made by the Appellant till December 2007. The Appellant states that he accepts the revised statement of account and he is willing to make payment of this amount. The parties were directed to file a Statement in this regard by 21.1.08, confirming the mutual settlement.

The Memorandum of Settlement signed by both the parties has been received through e-mail on 21.1.07, which is taken on record.

The appeal is disposed off in terms of the Memorandum of Settlement. The CGRF orders are also accordingly modified. The token compensation of Rs.5000/- granted to the Appellant by the CGRF will however be payable as per the order dated 10.10.2007.

22nd January 2008


(SUMAN SWARUP)
OMBUDSMAN