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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/2007/225**

Appeal against Order dated 12.11.2007 passed by CGRF – BRPL in case no. CG/250/2007.

**In the matter of:**

M/s A.A. Enterprises - Appellant

**Versus**

M/s BSES Rajdhani Power Ltd - Respondent

**Present:-**

**Appellant** Shri O.P. Ahuja, Authorised representative of the Appellant

**Respondent** Shri R.R. Panda, Business Manager (KCC), attended on behalf of BRPL

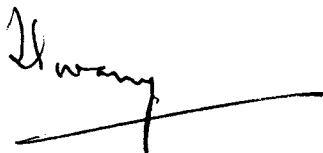
**Date of Hearing :** 24.01.2008

**Date of Order :** 25.01.2008

**ORDER NO. OMBUDSMAN/2008/225**

1. The Appellant Shri Atul Ahuja, parter of M/s A.A. Enterprises has filed this appeal against the order of the CGRF-BRPL dated 12.11.2007, in case no. CG/250/2007 and has stated that the CGRF has passed the order for levy of LIP (LT) tariff for the billing month of September 2007 which has no legal sanctity, and there exists no provision for this in the tariff order of DERC for the year 2006-07 / 2007-08.

The Appellant has prayed that the levy of LIP tariff for the billing month of September 2007 instead of SIP tariff, as ordered by the CGRF, may be set aside.



2. The background of the case is as under:

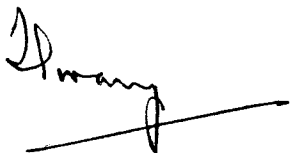
- i) The Appellant has a sanctioned load of 98.69 kw for industrial purpose under the SIP category. The Maximum Demand Indicator (MDI) in the Appellant's meter recorded a load of 113.2 KW on 28.08.2007 and the Respondent raised the bill for payment by the Appellant in September 2007, under the LIP tariff. The LIP tariff is applicable for loads above 100 KW.
- ii) The Appellant filed a complaint before the CGRF against the LIP tariff charged in the September 2007 bill. CGRF observed that as per column no. 3.2 of the Tariff order for the year 2006-07, LIP tariff for a load of more than 100 KW is leviable. However, there is no mention of the fact that these charges will be recoverable for a period of six months after the load is brought within the SIP limits, as contained in the earlier tariff order for the year 2005-06.
- iii) The CGRF in its order directed that LIP tariff under the category of supply on LT (400 volts) will be chargeable only for the month of August 2007 as the MDI had recorded a reading of 113.2 kw only on 28.08.2007.

Not satisfied with the CGRF's order the Appellant has filed this appeal against the order of the CGRF-BRPL dated 12.11.2007.

3. 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 24.01.2008.

On 24.01.2008, the Appellant was present through Shri O. P. Ahuja, authorized representative. The Respondent was present through Shri R. R. Panda, Business Manager (KCC).

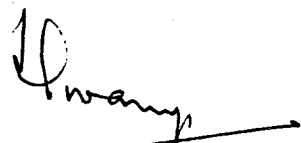
4. Both the parties were heard. The Appellant does not dispute that the MDI has exceeded 100 KW on 28.08.2007 and on two other occasions in August 2007. He pleaded that the Tariff Order for 2007-2008 is silent with regard to levy of LIP tariff in cases like this. The Appellant stated that the provision for levy of LIP tariff when the MDI exceeded 100 KW existed clearly in the earlier Tariff Orders prior to 2006-07. In fact there was earlier a provision to charge LIP tariff for a further six months to serve as a deterrent, but the DERC Tariff Orders for the year 2006-07 and 2007-08 are silent on this issue.



5. The Respondent stated that the consumers who have a sanctioned load of more than 100 KW are charged on LIP tariff basis which is higher than the SIP tariff. Consumers in the SIP category have to pay the higher LIP tariff when their consumption is higher than the sanctioned load and more than 100 KW. The Tariff Order of DERC for 2007-08 does not have a specific provision in this regard but in the interest of justice and equity the, consumers should be charged for the load they use.
6. After considering the averments of the parties, and the facts on record and the provision of the Tariff Order of DERC for the year 2007-2008, it is seen that the CGRF has rightly held that the Appellant is liable to pay the LIP tariff under the category of supply on LT (400 volts) for the month of August when the Appellant's load exceeded 100 KW, as the MDI recorded showed a reading of more than 100 KW.

**There is no reason to interfere with the order of the CGRF. The appeal is accordingly dismissed. The Appellant should make payment of the amount due within 10 days of this order.**

25<sup>th</sup> January 2008

  
(SUMAN SWARUP)  
OMBUDSMAN