

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/2007/229

Appeal against Order dated 06.11.2007 passed by CGRF–NDPL in CG.No.01389/08/07/SKN (K. No.35100247896).

In the matter of:

M/s Goel Road Carriers

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri O. P. Madan, Advocate of the Appellant

Respondent Shri Vivek AM (Legal)
Shri H. C. Verma, HOG (Comm.) and
Shri Gagan Sharma, Sr. Asstt. (R&C) attended on behalf of NDPL

Dates of Hearing : 31.01.2008

Date of Order : 31.01.2008

ORDER NO. OMBUDSMAN/2008/229

1. The Appellant Shri Jitin Goel, Director of M/s. Goel Road Carriers has filed this appeal against the orders of the CGRF-NDPL dated 06.11.2007, in case no. CG/01389/08/07/SKN, stating that the CGRF has not applied its judicial mind to the facts and circumstances of the case in the right perspective, regarding the assessment made for the period 16.04.2004 to 04.09.2004 and has prayed:-


- a) That the CGRF order may be set aside and the Respondent may be directed to raise the bill on the basis of consumption recorded by the meter.



- b) That the Respondent may be restrained from claiming any service line charges on account of allegations of supply being dormant, since there is no fault on the part of the Appellant.
- c) That suitable compensation be granted to the Appellant in the interest of justice.

2. The background of the case is as under:

- (i) The Appellant is the Director of M/s Goel Road Carriers, 3972 (first Floor), Roshan Ara Road, Sabzi Mandi, Delhi. An electric connection with K. No. 35100247896 is sanctioned in the name of the company for commercial purpose. The connection was earlier sanctioned for 3 KW load and was got enhanced to 16 KW in May 2005, and the meter was replaced on 06.06.2005.
- (ii) It is the Appellant's case that in the month of July 2005, the Appellant received an inflated bill for Rs.59,850/-. A consumption of 5953 units was charged for arbitrarily, without supplying any details. The Appellant made part payment of Rs.37,000/- against the said bill.
- (iii) Without making any correction another inflated bill was received in September 2005 and again part payment of Rs.55,000/- was made by the Appellant. These bills were raised on the basis of alleged assessment carried out by the Respondent on the assumption that the consumption was on the lower side.
- (iv) The Appellant states that he shifted his office to Sanjay Gandhi Transport Nagar due to the Government policy regarding pollution, and had informed the Respondent accordingly vide letter dated 27.3.06. After relaxation provided by the government, the Appellant again started using the premises.
- (v) Instead of attending the complaint of the Appellant, the Respondent raised a bill for an amount of Rs.1,53,300/- in January 2007 and the supply was also disconnected on 26.12.2006 arbitrarily on account of non-payment.

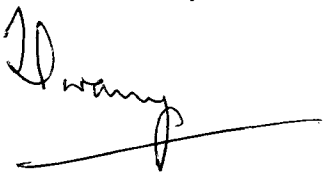


3. Thereafter, the Appellant filed a complaint before the CGRF which was disposed off vide order dt. 06.11.2007. The CGRF passed the following orders:

- a) The revision of the bills on actual consumption basis for the period 17.9.03 to 16.04.2004 and 06.06.2005 to 27.07.2005 is in order and payable by the consumer.
- b) The period 16.04.2004 to 04.09.2004 be re-assessed on the basis of the average consumption recorded during the base period (BP-I) 17.09.2003 to 16.04.2004, and the base period (BP-II), 04.09.2004 to 20.05.2005.
- c) The assessment made for the period 20.03.2005 to 06.06.2005 on the basis of the consumption recorded from 25.09.2004 to 20.03.2005 is in order and payable by the consumer.
- d) Since the supply had become dormant before the complainant approached this Forum in August 2007, the consumer shall complete the necessary commercial formalities and deposit the difference of consumption deposit and service line charges etc. as prevailing now.
- e) The bill of the consumer should be revised as per (a) to (d) above by 30.11.2007. Though the consumer had not been regular in clearing the dues, after the assessment demands were raised, the Forum held that the late payment surcharge should not be levied.

Not satisfied with the orders of the CGRF, the Appellant has filed the appeal stating that there is no dispute in respect of sl. no. (a), (c), and (e) of the CGRF's order. The dispute remains in respect of sl. no. (b) and (d) regarding assessment for the period 16.04.2004 to 09.09.2004, and regarding imposing the condition on the Appellant for completing necessary commercial formalities for restoration of supply and to deposit consumption deposit and service line charges etc. as prevailing.

4. After scrutiny of the appeal, the records of the CGRF and submissions made by both the parties, the case was fixed for hearing on 31.1.08.

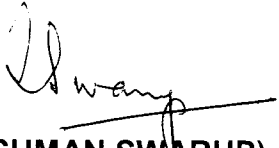


On 31.01.2008 the Appellant was present through Sh. O. P. Madan. The Respondent was present through Sh. Vivek AM (Legal), Sh. H. C. Verma HOG (Comm.) and Sh. Gagan Sharma, Sr. Asstt. (R&C).

Both the parties were heard. The Appellant was satisfied with the CGRF's order after hearing the averments of the Respondent in respect of the assessment for the period 16.04.2004 to 04.09.2004, and regarding payment of service line charges and consumption deposit. The Respondent stated that the assessment made for the period 16.04.2004 to 04.09.2004 has been correctly made and if the assessment is made on the basis asked for by Respondent, the bill in fact will be higher. The Respondent also clarified that no service line charges will be charged as the same service line has been used. The Respondent clarified that the bill of Rs.1,53,300/- challenged before the CGRF would now be reduced to Rs.99,567/- after the CGRF's directions. The Appellant accepted the bill as revised to Rs.99,567/-. He has already paid Rs.50,000/- as per the interim order of the CGRF. It is directed that the balance be recovered in two installments.

The CGRF orders are modified to the extent above and the appeal is accordingly disposed off.

31st January 2008 .


(SUMAN SWARUP)
OMBUDSMAN