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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 – 57

Ref: E.OBM/A/05/23

Dated: 26th July, 2005

Appeal No. F. ELECT/Ombudsman/2005-06/23

Appeal against order dated 21.04.2005 passed by CGRF – NDPL in
Complaint No: 0164/12/04/SMB

In the matter of: M/s J.D.Industries - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri H.L.Verma and
Shri M.L.Pahwa, Advocates

Respondent Shri Suraj Das Guru, Legal Representative
Mrs. Nirja Ahuja, Legal Representative
Mr. Vishal Bhatia, HOG (R&C) and
Mr. Pramod Kumar, Asst. Accountant of NDPL

Date of Hearing : 13.07.2005 & 20.7.2005
Date of Order : 26.07.2005

ORDER NO. OMBUDSMAN/2005/23

M/s J.D.Industries filed an appeal on 25.5.2005 against the order dated 21.4.2005 of the CGRF for NDPL. It is stated in the appeal that the appellant in 1995 declared a load of 15.9 Kw under the VDS Scheme launched by the DVB on 20.6.1995. From the date of installation of meter i.e. 26.6.1995 till 4.7.2000 the meter installed by the Respondent remained defective. The appellant continued to receive the bills on provisional basis upto November 2004. The electricity of the appellant was dis-connected in

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the month of July 2000 for non-payment of dues. It was stated that from day one the meter replaced on 26.6.1995, remained defective and Respondent raised a huge bill of Rs.8,44,714.55 which was reduced by the CGRF-NDPL to Rs.3,91,419.72. The Appellant was not satisfied with this order and filed an appeal against it in this office.

In its above order the CGRF-NDPL has relied on Order No: CO.II/P-35/99/76 dated 3.11.1999 of Delhi Vidyut Board, which provides for assessment of the defective period to be calculated on the sanctioned load or connected load whichever is higher in case the consumption pattern, either prior to or after the replacement of meter is not available. The CGRF-NDPL accordingly;

- i) up held the revised demand of the NDPL on sanctioned load basis,
- ii) restricted the period of assessment on load basis to three years from the date of replacement of meter. The restriction of assessment to three years is based on Order No: CO-II/P-21/2001/23 dated 24.5.2001 of Delhi Vidyut Board.
- iii) Balance remaining period till the disconnection of supply in July 2000 was to be charged on minimum guarantee basis.

The Appellant states that he agrees with the above findings of the Consumer Grievance Redressal Forum based on relevant orders of DVB but his grievance is against the quantification of the demand of Rs.3,91,419.72 which the CGRF-NDPL has ordered to be paid by the consumer.

After calling for the records of this case from the CGRF-NDPL and a thorough scrutiny of the same, as well as the contents of the appeal, the case was fixed up for hearing on 13.7.2005.

Demand It is interesting to note in this case that the appellant was not allowed to deposit Rs.1,30,475 being 1/3rd of the total demand assessed by the CGRF-NDPL, which is a mandatory requirement for admitting the appeal in the office of the Electricity Ombudsman. The Appellant in his letter dated 26.5.2005 submitted that the AFO, Shalimar Bagh, NDPL refused to accept its draft dated 19.5.2005 drawn on Oriental Bank of Commerce for Rs.1,30,475/-. He requested this office to direct AFO, NDPL, Shalimar Bagh to accept the above mentioned draft so that his appeal could be admitted and heard on merits.

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A photocopy of the draft of Rs.1,30,475/- was also placed alongwith his letter dated 26.5.2005. The Electricity Ombudsman on the basis of the photocopy of draft and the letter mentioned above requested the CEO-NDPL to direct the concerned official to accept the draft, as required before the appellant's appeal could be admitted. Later a letter was also addressed to CEO-NDPL to devise some system whereby such incidents should not occur in future. The officials accepting the payments should be informed of this mandatory requirement for filing appeals, so that full amount of Bill may not be insisted upon by them and 1/3rd of such amount may be accepted in cases where appeal is to be filed in the office of Electricity Ombudsman.

On 13.7.2005, S/Shri H.L.Verma and M.L.Pahwa, advocates attended the hearing on behalf of the Appellant. Shri Suraj Das Guru and Mrs. Nirja Ahuja were present for NDPL. Shri Vishal Bhatia, HOG(R&C), Distt. Shalimar Bagh and Shri Pramod Kumar, Asst. Accountant also attended.

The matter was explained to both the parties and ultimately the findings of the CGRF were upheld in regard to;

- i) restricting the period of assessment to three years from the date of replacement of meter on load basis
- ii) the remaining period till the date of its dis-connection in July 2000 and six months after disconnection to be charged on minimum guarantee basis.

The appellant's objection is to the levy of late payment surcharge (LPSC) by the Respondent on revision of the bill. Shri Suraj Das Guru, the legal representative of NDPL stated that the bill handed over to the appellant is of a date prior to the order of CGRF. He admitted that the LPSC charges needed to be withdrawn consequent to the CGRF order. It is now ordered that Revised Bill be prepared on the following basis:

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|-------|--------------------------|---|----------------------------|
| (i) | 26.6.1995 to October'95 | - | On minimum guarantee basis |
| (ii) | October'95 to October'98 | - | Assessment on load basis |
| (iii) | October'98 to 4.7.2000 | - | On minimum guarantee basis |
| (iv) | 4.7.2000 to 3.1.2001 | - | On minimum guarantee basis |

(Since the electricity supply was disconnected on 4.7.2000, levy for six months on minimum guarantee basis)

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While preparing the above calculations credit is directed to be given for all payments made by the appellant including Rs.1,30,475/- paid vide draft dated 19.5.05 prior to admission of the appeal in this office.

Revised working was required to be submitted on the above basis by 20.7.2005 by the Respondent. The calculation submitted on 20.7.2005 showed Rs.2,12,813.67 as payable by the Appellant but did not show any details, and, therefore, could not be verified. The Respondent was asked to submit the calculation as directed above by 22.7.2005. The calculation sheet submitted on 22.7.2005 which showed Rs.2,09,613.67 as payable was also not correct. **Finally, the calculation submitted on 26.7.2005 has been verified. It shows the amount of Rs.1,62,464.52 as payable.** Duplicate bill has also been submitted by the Respondent which is enclosed for the Appellant to pay by the due date.

In view of the above, the order dated 21st April, 2005 of the CGRF for NDPL is modified to the extent as above.

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(Asha Mehra)
Ombudsman