

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/2007/235

Appeal against Order dated 20.11.2007 passed by CGRF-BRPL in case No. CG/280/2007 (K.No.2660 W157 0445).

In the matter of:

Smt. Anjali Gahalot - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Smt. Anjali Gahalot the Appellant present in person

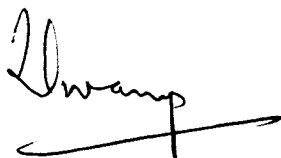
Respondent Shri D.P. Kotnala, Commercial Officer,
Shri Sanjay Bhagat, Manager Commercial and
Shri H.K. Panda, Legal Retainer all attended on behalf
of BRPL

Dates of Hearing : 15.02.2008, 05.03.2008, 19.03.2008

Date of Order : 28.03.2008

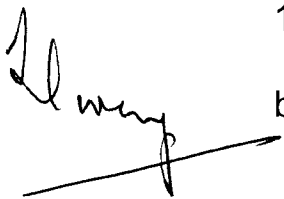
ORDER NO. OMBUDSMAN/2008/235

1. The Appellant, Mrs. Anjali Gahalot, has filed this appeal against the order of the CGRF-BRPL dated 20.11.07, on the grounds that the aforesaid order was a non-speaking order and the relief granted was not adequate.



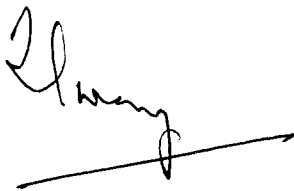
2. The brief facts of the case are as under:-

- a) The Respondent installed an electricity connection K. No. 2660 W157 0445 on 23rd April 2004, at the premises of the Appellant 102 -A (Ground Floor), Gali No.1, Dabri Village, New Delhi -110045.
- b) The old electro mechanical meter was replaced on 05.01.2006 by an electronic meter, although the earlier electro mechanical meter was working satisfactorily.
- c) The Respondent issued the first bill for consumption of electricity for the connection in the month of November 2005 on a provisional basis, which was revised subsequently for the period 23.04.2004 to 08.10.2005, on the basis of actual readings
- d) Further, according to the Respondent the electricity bill for the period 08.10.2005 to 14.02.2006 was wrong due to a software problem, and, the bill for this period too was revised on the basis of the actual reading of 11141, recorded on 14.02.2006. The readings for the period 12.04.2005 to 08.10.2005 were ignored and the revised bill was issued for the period from 23.04.2004 to

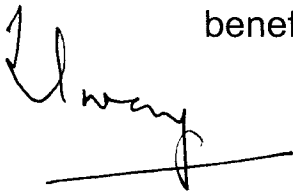


14.02.2006 with slab benefits. The LPSC for the period up to November 2006 was also waived off.

- e) The Appellant visited the office of the Respondent in December 2006 for correction of the bill dated 22.12.2005, but without success. The Respondent issued a disconnection notice dated 07.06.2006 due to non payment of the revised bills for the period 23.04.2004 to 14.02.2006.
 - f) The Appellant filed a writ petition before the Hon'ble Delhi High Court. The Hon'ble High Court vide its order dated 04.09.2006 directed the Appellant to approach the CGRF, which was the appropriate forum, within three weeks, and to deposit Rs.15,000/-. The Hon'ble High Court also directed the Respondent not to insist upon full payment of the bill under dispute, subject to the condition that the Appellant continues to pay the current charges for electricity consumption, till the final decision of the CGRF.
3. The Appellant filed a complaint dated 09.10.2007 before the CGRF.



- i) The Appellant pleaded that the electricity bill dated 22.12.2005 for the period 12.04.2005 to 08.10.2005 was highly inflated and despite visiting the office of the Respondent, the break up of the amount was not provided. She prayed that the notice of disconnection dated 07.06.2006 and the recovery of dues of Rs.54,221/- and Rs.59,545/- showing due dates of 22.06.2006 and 08.08.2006 respectively, be stayed.
- ii) The Respondent pointed out that the Appellant had made payment of Rs.15,000/- and Rs.5,810/- for the disputed period on 25.09.2006 and 19.01.2007. The Appellant also defaulted in payment of the current charges for January 2007 onwards, despite the directions of the Hon'ble High Court, dated 04.09.2006. In addition, the bill for October 2007 for Rs.69,170/- was also not paid by the Appellant.
- iii) The CGRF, took into consideration the documents on record, the arguments of the parties, including the revised bills raised by the Respondent on the basis of actual reading for the period 23.03.2004 to 14.02.2006, with slab benefits and after withdrawal of LPSC.

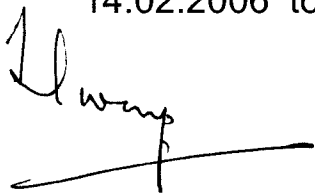


iv) The CGRF directed the Respondent that in the revised bill LPSC be levied for non payment of current dues after 04.09.2006 (the date of the Hon'ble High Court's order). Moreover, no LPSC be charged till the revision of the bill. The Appellant was directed to make the payment against the revised bill by the stipulated period, failing which the Respondent could issue a disconnection notice.

Not satisfied with the orders of the CGRF dated 20.11.2007, the Appellant has filed this appeal dated 20.12.2007, challenging the revised bill and requesting for its further revision.

4. After perusal of the records and the comments submitted by the Respondent, the case was fixed for hearing on 15.02.2008. The Appellant Smt. Anjali Gahalot was present in person. The Respondent was represented through Shri H. K. Panda, Legal Retainer, Shri D.P. Kotnala, Commercial Officer and Shri Sanjay Bhagat, Manager Commercial.

The Appellant stated that her advocate could not be present. She admitted non payment of current dues and expressed her willingness to pay the current dues for the period from 14.02.2006 to February 2008, as these were not in dispute.

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However, she pleaded that the electricity bills for the period from the date of installation of the connection i.e. 23.04.2004 to 14.02.2006 were inflated because during this period the premises remained vacant and locked as the family was living in Bharatpur (Rajasthan).

The Appellant was directed to produce proof of her non-occupation of the premises for the disputed period. As far as payment of current bills was concerned, the Respondent was directed to raise the bills for the period 14.02.2006 to February 29, 2008 and also to produce the original meter reading records of the Appellant from April 2004 onwards.

5. The next hearing in the matter was fixed for 05.03.2008. The Appellant Smt. Anjali Gahalot was present in person. The Respondent was not present.

The Appellant submitted that the Respondent had given her a bill of Rs.37,420/- for the current dues from 14.02.2006 to 14.02.2008, after adjustment of the payments already made by her. The Appellant was directed to make payment of the current dues without further delay to avoid levy of LPSC as this was also a violation of the Hon'ble High Court's directions. The

Appellant was also directed to produce proof of non-residence during the period 23.04.2004 to 14.02.2006 and to establish that the meter readings were incorrect.

6. The next hearing in the case was fixed for 19.03.2008. The Appellant was present in person. The Respondent was present through Shri H. K. Panda, Legal Retainer, Shri D.P. Kotnala, Commercial Officer and Shri Sanjay Bhagat, Manager Commercial.

The Appellant submitted a certificate from the Pentecostal Public School Bharatpur (Rajasthan) dated 17.03.2008 which certifies that her daughter Miss Kajal was studying in the school from January 2004 to 15.05.2006 in KG Class, which was taken on record.

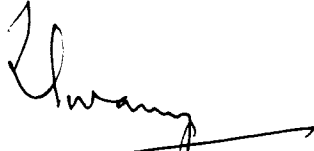
The Respondent produced the current bill of Rs.37,420/- for the period 14.02.2006 to 04.02.2008 which was still to be paid by the Appellant. They also produced the statement of account showing the meter readings.

After hearing the parties, the Appellant was directed to pay the bills for the undisputed period i.e. 14.02.2006 onwards amounting to Rs.37,420/- in three equal monthly installments.

The first installment is to be paid within three days i.e. by 22.03.2008.

7. After perusal of the records and after hearing the arguments of both the parties, it is evident that for the disputed period i.e from 23.04.2004 to 14.02.2006, the electricity bills were raised by the Respondent on actual reading basis and the CGRF in its order dated 20.11.2007, had correctly decided that the bills are payable by the Appellant. The Appellant has not challenged the meter readings or the correctness of the meter. No cogent reason has been advanced for non acceptance of the readings recorded by the meter. The certificate produced by the Appellant from her daughter's school is inadequate to establish that the premises remained un-occupied. I therefore find no reason to interfere with the order of the CGRF.

28th March 2008 .


(SUMAN SWARUP)
OMBUDSMAN