

(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 against Order dated 14.12.2007 passed by CGRF-BYPL in complaint no. CG.No. 314/09/07.

Shri Yash Pal Dhawan - Appellant

## M/s BSES Yamuna Power Ltd. - Respondent

**Appellant** Shri Yash Pal Dhawan was present in person

**Respondent** Shri S.L. Khullar, Commercial Officer and  
Shri Rajeev Ranjan Assistant Manager (Legal) both  
attended on behalf of BYPL

**Date of Hearing** : 13.03.2008, 26.03.2008, 04.04.2008

**Date of Order** : 16.05.2008

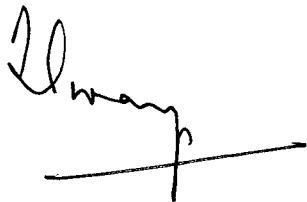
1) The Appellant, Shri Yash Pal Dhawan, has filed this appeal against the order of CGRF-BYPL, dated 14.12.2007 in CG No. 314/09/07 by stating that CGRF-BYPL did not consider the complaint of the Appellant properly and has directed the Appellant to deposit the balance amount of Rs.43,547.03 in three installments. The CGRF's orders, have been passed on the

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basis of wrong and misleading statements/submissions of the Respondent, hence the orders are liable to be set aside.

2) The background of the case is as under:

- i) The Appellant is the tenant in respect of premises 619/A/1, Ram Nagar, Shahdara, Delhi and is the user of the electricity connection K. No. 121116010400 installed in the said premises with a sanctioned load of 10 HP, for industrial purposes.
- ii) The Respondent had raised a bill for the month of April 2007 for Rs.99,700/- against which he had complained before the PLA. As per the directions of the PLA on 10.04.2007, an amount of Rs.70,000/- was deposited on 12.04.2007, and the PLA had directed for revision of the bill on or before 14.08.2007.
- iii) The complaint of the Appellant was admitted by the CGRF on 27.09.2007. Before the CGRF the Respondent submitted that out of the revised bill for the month of April 2007 for Rs.99,700/-, Rs.70,000/- had been paid as per the order of the PLA, but the issue was closed as unsettled by the PLA vide its order dated 04.08.2007.



- iv) The CGRF concluded from the statement of account submitted by the Respondent that evidently, the billing done was in order, as detailed under:

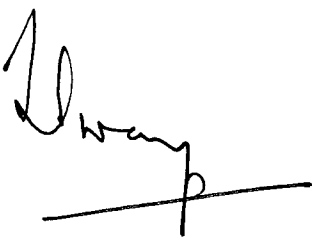
Period	Demand	Payment	Balance
15.10.96 to June 01	1,19,447.97	59,535.00	
28.11.01 to 17.08.07	1,61,444.06	2,49,840.00	
Total	3,52,922.03	3,09,375.00	43,547,.03

The CGRF ordered that the balance dues of Rs.43,547.03 should be paid by the Complainant in three equal installments alongwith the current demand, and no further relief was granted to the Complainant.

Since the Appellant was not satisfied with these orders of the CGRF, he has filed this appeal.

- 3) After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 13.03.2008.

On 13.03.2008, the Appellant was not present. The Respondent was present through Shri S. L. Khullar, Commercial Officer and Shri Rajeev Ranjan Assistant Manager (Legal).



Notice was issued to the Appellant again giving him the last opportunity to be present. The Case was fixed for further hearing on 26.03.2008.

On 26.03.2008, the Appellant Shri Yash Pal Dhawan was present in person. On behalf of the Respondent Shri S.L.Khullar, Commercial officer and Shri Rajeev Ranjan, AM (Legal) were present.

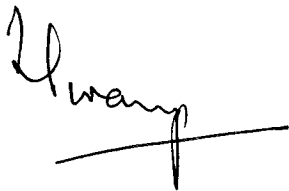
Both parties were heard. During the hearing it emerged that there are two disputed periods:

(a) 15.10.1996 to 05.07.1997.

The Respondent company had raised assessment bills for this period whereas the Appellant stated that reading based bills should be raised as actual readings were available. As per the records provided by the Respondent, actual readings are available for this period.

(b) 05.07.1997 to 18.10.2000

The Appellant pleaded that wrong tariff had been applied while raising the bills for this period. There was no misuse, but misuse tariff had been applied. After hearing both the parties it was directed that the principles for calculating the dues for the two disputed periods be submitted by the Respondent, alongwith the detailed statement of

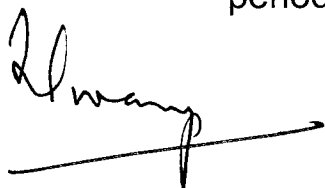


account month wise, indicating the prevailing tariff during the period. The case was fixed for hearing on 04.04.2008.

- 4) On 04.04.2008, the Appellant was present in person. The Respondent was present through Shri S. L. Khullar, Commercial Officer and Shri P. K. Mahur, Legal Retainer.

A copy of the statement of account produced by the Respondent was given to the Appellant. The Respondent stated that the bills / dues have been revised based on the actual readings and based on the applicable tariff at the time. The Appellant was asked to reconcile the revised statement of account with the payments made by him. The parties were asked to submit the statement of account jointly signed and agreed to by both the parties on 11.04.2008. The statement of account was to be corrected / revised, if necessary, based on the principles agreed to during the hearing and after including all payments made by the Appellant.

- 5) The Respondent submitted the revised statement of account duly signed by both the parties on 02.05.2008. The Appellant has endorsed on the statement of account that he is satisfied with the calculations provided by the company. As per the revised statement of account submitted on 02.05.2008, the bill has been revised as per actual readings recorded during the period 15.10.1996 to 05.07.1997 and by applying the non


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conforming area tariff, instead of misuse tariff, applied earlier, for the period 05.07.1997 to 18.10.2000. The revised calculation upto April 2008, shows a credit of Rs.13,438.23 in favour of the Appellant.

**The Respondent is directed to refund this amount of Rs.13,438.23 by cheque within 10 days of this order. A token compensation of Rs.1,000/- is also awarded to the Appellant for harassment, which should be paid alongwith the amount to be refunded.**

The CGRF order is accordingly set aside.

16<sup>th</sup> May 2008.

  
(SUMAN SWARUP)  
OMBUDSMAN