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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 – 100 057
(Phone No.: 39506011 Fax No.26141205)

Ref: E.OBM/A/05/26

Dated: 6th October, 2005

Appeal No. F. ELECT/Ombudsman/2005-06/26

Appeal against Order dated 25.5.2005 passed by CGRF – NDPL on CG No.:
0279/03/05/CVL

In the matter of: Mr. G.D.Soni - Appellant

Versus

M/s NDPL - Respondent

Present:-

Appellant Mr. G.D.Soni

Respondent Shri Suraj Das Guru, Legal Advisor,
Shri Padam Singh, S.O.(D), CVL of NDPL

Date of Hearing : 04.10.2005

Date of Order : 06.10.2005

ORDER NO. OMBUDSMAN/2005/26

The appellant is the resident of 8-Rajpur Road, Opp. Aruna Asaf Ali Hospital, Delhi – 54 and had two connections, one for domestic light bearing K.No: 122475 and second for domestic power bearing K.No. 124507. As per NDPL version domestic power meter (K.No. 124507) was removed since long and billing against said connection was stopped.

(33) (37)

On 23.9.1999 appellant lodged a written complaint of burnt meter of domestic light K.No. 122475 which was replaced on 21.10.1999. As per NDPL statement, consumption of this new meter was wrongly recorded against domestic power meter K.No. 124507 and billing starting accordingly. The consumer never made the payment as bills were issued against wrong K.No. 124507.

This discrepancy was noticed by the respondent company and a demand of Rs.20760/- approximately was raised in the billing month of April 2002 from reading 0 – 9290 as on 6.4.2002. This bill included MG charges from 1996-1999 and assessment charges for six months prior to 21.10.1999 on account of remarks in the meter book indicating meter declared burnt since 1995.

The appellant contended that the very first bill which he received was for Rs.40887/- showing arrears of Rs.40461/- on 27.10.2004. He never received any other bill from the respondent company. On 29.10.2004 and 13.12.2004 he requested the respondent company for providing complete details of arrears which were not provided.

The appellant filed a complaint in CGRF-NDPL. The Forum passed an order dated 25.5.2005 allowing relief for LPSC charges. It is against this order that the appellant has filed the appeal before the Ombudsman.

After calling for records from CGRF-NDPL and examination of the contents of the appeal, the case was fixed for hearing on 4.10.2005. Shri Suraj Das Guru alongwith Shri Padam Singh, S.O.(D), CVL attended the hearing on behalf of the respondent company. The appellant attended, in person.

It was specifically asked if meter was burnt in 1995 why it was not replaced earlier. Also some bills must have been sent either on average or on MG basis during this period then where is the need of charging MG again. Consumer contended that DVB staff came on 22.9.1999 and informed that meter had burnt for which the appellant lodged a written complaint on 23.9.1999 and gave written undertaking on 24.9.1999 to pay cost of meter or part thereof if found that damaged to the meter was due to his fault. The burnt meter was replaced on 21.10.1999. No record was made available by NDPL officials to contradict the version of the consumer who produced copies of burnt meter complaint made on 23.9.1999 and undertaking given on 24.9.1999. Since the meter was reportedly burnt in September 1999, no assessment and MG charges are called for, for the past period.

The officials of the respondent company could not comment on the query that if a demand was raised for Rs.20760/- in the month of April 2002 then why recovery action/disconnection was not done thereafter Had disconnection notice been issued in 2002, the appellant would have reacted immediately. In

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absence of any documents/evidence to justify the respondent company's claim of MG and assessment charges, it is ordered as under:

The order of CGRF-NDPL dated 25.5.2005 is modified to the extent that MG charges (Rs.1800/-) and assessment charges (Rs.3037/-) are not payable. Therefore, the payable amount till the reading taken on 20.3.2005 will become Rs.26,885/- only (Rs.31722.00 – Rs.1800.00 – Rs.3037.00) after giving due credit of all the payments made by the appellant after CGRF order. Credit will be given for Rs.3298.50, if cheque given by the appellant has been encashed.

The appellant has submitted in writing that he is a senior citizen and is supported by his 3 daughters. He receives Rs.5000/- per month for his expenditure and therefore reasonable installment may be given to him for payment of dues.

In view of the above, it is ordered that the outstanding dues as directed above may be recovered in 12 equal installments, in addition to his current bills, if any.

In view of the above, the order of CGRF-NDPL is set aside.

अशा मेहरा
(Asha Mehra)
Ombudsman