

(Phone No.: 32506011, Fax No.26141205)

received by the Appellant. The Appellant has pleaded for levy of tariff applicable permanent connection instead of to temporary connection, as he had applied for a permanent connection.

2. The background of the case as per the records and the replies submitted by both the parties is as under:

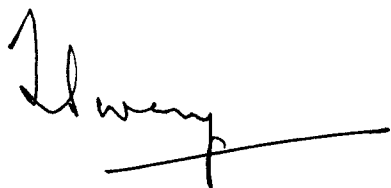
i) The Appellant is a resident of D-87, Ekta Enclave, Burari, Delhi – 110084, where an electric connection was installed on 16.05.2005 vide K. No.4550 7007 539T.

ii) From a copy of the September and October 2005 bills submitted by the Appellant, it is observed that the details of the connection are as follows:

- Connection type NL
- Tariff category Non-domestic
- Date of energization 16.05.2005
- Consumption deposit Zero

The Appellant was being billed at NL rate for a temporary connection.

iii) In their reply the Respondents have stated that on the request of the Appellant, his bills were revised from 'NL temporary tariff' to 'domestic temporary tariff' and a credit of Rs.6244.63 was given to him. The copies of the April and May 2006 bills indicate the supply type to be 'DL' and the tariff category to be 'domestic'.




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- iv) On 21.01.2008, the Appellant filed a complaint before the CGRF for withdrawal of the excess charges applicable to temporary connections, levied from inception in his bills, and for removal of the word 'temporary' printed on the bills.
 - v) The Appellant stated before the CGRF that the tariff for a temporary connection is being levied against his permanent connection. The Respondent was directed by the Forum to produce the original records of sanction of the connection. The original records of sanction of the connection were not produced by the Respondent.
 - vi) The CGRF concluded that the tariff applicable to a permanent connection for domestic use is applicable in case of the Appellant. Perusal of the K. No. summary account also indicated that tariff for permanent connections had been applied as the last bill raised was for 416 units and the amount charged was Rs.1298/-. The Respondent was also directed to delete the word "temporary" printed on the bills.

Not satisfied with the orders of the CGRF, the Appellant has filed this appeal.

3. After scrutiny of the records submitted by both the parties, the case was fixed for hearing on 14.08.2008.

On 14.08.2008, the Appellant was present in person. The Respondent was present through Shri Rajeev Gupta Commercial

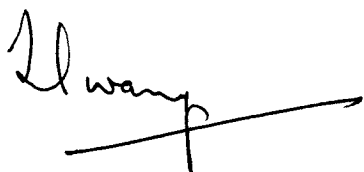


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Manager, Shalimar Bagh, Shri Pramod Kumar S.O. and Shri Vivek AM (Legal).

Both parties were heard. The Appellant reiterated the submissions made in the appeal and stated that despite the CGRF's orders, the bills on 'temporary' domestic tariff basis, which is higher, are still being raised as is evident from the copy of the June 2008 bill. The Respondent produced the K. No. file containing the original record regarding sanction of the connection. From the papers it is clear that the Appellant had applied for a 'temporary' domestic connection, and not a permanent connection. While raising the demand note "non-domestic" category was also erroneously mentioned resulting in raising of the bills on the basis of non-domestic tariff for a temporary connection.

The Respondent informed during hearing that as per their policy only temporary connections were given in May 2005 in the locality as the said area was not electrified. The Respondent further confirmed that category change from 'non-domestic temporary' to 'domestic temporary' was effected in December 2005 and bills were accordingly revised in May 2006. The Respondent also confirmed that domestic tariff for permanent connection has been agreed to as per the CGRF order, and was applied to the Appellant from January 2008 although the area was electrified in April 2007.



4. After hearing both the parties, it is decided that tariff applicable to permanent domestic connections may be applied from April 2007, the date of electrification of the area. Two statements for the following may be submitted by 21.08.2008 by the Respondent:
- (a) For adjustment of excess amount paid due to the category change from 'non domestic' to 'domestic' and
 - (b) For adjusting the excess amount paid due to the connection being treated as 'temporary' after April 2007, when the area was electrified as the connection should have been converted to a permanent connection from this date.
5. As per the detailed statement submitted by the Respondent on 25.08.2008, it is seen that the Respondent has already given a credit of Rs.6246.87 in April 2006 to the Appellant on account of change of category from 'non-domestic' to 'domestic' category, and thereafter the Appellant, has paid the revised bill amount of Rs.6050/- on 24.05.2006. Relief for excess amount paid on account of incorrect category has therefore already been given to the Appellant.
6. It is decided that the connection is to be treated as permanent from April 02.04.2007 and the excess amount paid for a temporary connection is to be refunded to the Appellant. With levy of domestic tariff for a permanent connection w.e.f. 02.04.2007, the Respondent has worked out an additional credit

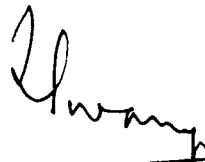


of Rs.1704.31 upto 17.03.2008. It is also confirmed by Respondent that after 17.03.2008 bills have been raised on the basis of domestic tariff for a permanent connection. **The Appellant is therefore given an additional credit of Rs.1704.31 in addition to the relief already granted by the CGRF. This amount should be paid to the Appellant by cheque within a period of 15 days from this order.**

It is also decided that the Appellant should pay Rs.1350/- for the permanent connection, in addition to the security deposit of Rs.2250/- paid at the time of sanction of the temporary connection, and complete other formalities for grant of a permanent connection w.e.f. April 2007.

The appeal is upheld and the CGRF order is modified to the extent above.

29th August 2008.


(SUMAN SWARUP)
OMBUDSMAN