

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/2008/277

Appeal against Order dated 13.05.2008 passed by CGRF–BRPL in case No. CG/74/2008.

In the matter of:

Shri G.S. Randhawa

- Appellants

Versus

M/s BSES Rajdhani Power Ltd.

- Respondent

Present:-

Appellant Shri Adarsh Randhawa attended on behalf of Appellant

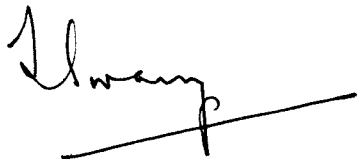
Respondent Shri Avinash Kumar, DGM and
Shri Anurag Gupta, Commercial Officer attended on
behalf of BRPL

Date of Hearing : 08.08.2008

Date of Order : 12.08.2008

ORDER NO. OMBUDSMAN/2008/277

1. The Appellant Shri G. S. Randhawa, has filed this appeal through his son Shri Adarsh Randhawa against the order of CGRF-BRPL dated 13.05.2008 in case CG No. 74/2008 stating that the orders are illegal and unjust as his plea has not been addressed regarding relief against arrears raised in the February 2008 bill for the period 2002-2003. The Appellant has prayed that the order of the CGRF be set aside and the Respondent be directed to withdraw the unjust



demand without any further mental and physical agony to him. Any other relief to the Appellant, since he is a regular paying consumer and has been made to run from pillar to post, be also given.

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

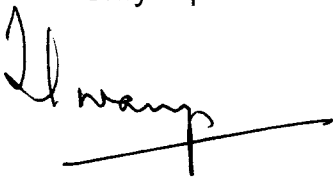
- i) The Appellant is the registered consumer of electric connection K. No. 2551 L543 0202 feeding electricity supply to the Barasati floor of the premises S-366, Panchsheel Park, New Delhi – 110 017 and he had been making payment of the electricity bills regularly.
- ii) As per the Appellant, the dispute arose when he received the February 2008 bill for Rs.32,840/- containing current charges of Rs.860.96 and arrears of Rs.31,981.92. No details of the arrears were provided along with the bill. On contacting the Respondent officials, the Appellant was informed that the arrears included, were for the period 2002-03 when the meter had not recorded the consumption correctly.
- iii) The Appellant filed a complaint before the CGRF on 25.03.2008 against the February 2008 bill containing huge arrears. The Respondent stated before the CGRF that the meter was earlier declared faulty for the period 20.09.2002 to 29.07.2003 (no meter test report was available) and assessment was done on the basis of consumption recorded for the period 29.07.2003 to 24.05.2004. The Respondent

24 May 2008

further stated before the CGRF that the assessment bill was later on withdrawn as there was no valid proof for the meter to be declared defective during the said period. The demand for arrears for the said period was revised on the basis of the actual record of readings available with the Respondent, resulting in dues of Rs.21,518.83.

- iv) The CGRF in its order observed that for the period from 24.05.2004 to 20.11.2004 readings of 11277 units were recorded continuously. Again, on 15.01.2005 a reading of 12572 was found to have been recorded, which proves that the meter was not faulty.
- v) The Appellant stated before the CGRF that the bill against the consumption of 7040 units for the period 24.12.2002 to 29.07.2003 has been raised at this belated stage when the tenant living at the premises had already left and it will be very difficult for him to effect the recovery and the burden of the bill amount will fall on him.

- 3. The CGRF observed in its order that as per the rules, even if, the readings of 1085, 2985 and 4370 were not considered earlier for issuance of a bill and provisional bills were issued for the months of January 2003, March 2003 and May 2003, the bill for the month of July 2003 should have been issued on the basis of consumption of 7040 units (7041 -1) for the period 24.12.2002 to 29.07.2003. The CGRF further observed that it is a case of short charging, and the only option at this stage is to recover the amount short charged.



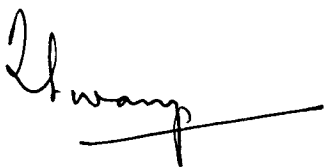
Keeping in view the undue harassment and inconvenience caused to the Appellant on account of the abnormal delay in recovering the arrears, the Forum granted a token compensation of Rs.2,500/- to the Appellant.

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

4. After scrutiny of the records and comments / clarifications submitted by the Respondent, the case was fixed for hearing on 08.08.2008.

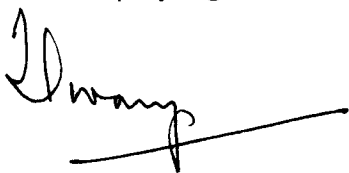
On 08.08.2008, the Appellant was present through his son Shri Adarsh Randhawa. The Respondent was present through Shri Anurag Gupta, Commercial Officer and Shri Avinash Kumar, DGM.

Both parties were heard at length. The Appellant reiterated the submissions already made in his appeal. The consumption record, the meter reading record and meter details indicating the date of change of meter, alongwith date of entry of this data were produced by the Respondent and were taken on record. When asked as to why earlier the assessment bill was raised when the meter was not defective, the Respondent officials stated that the assessment bill had been withdrawn and a reading based bill had been issued. They confirmed that the meter was not tested before being declared defective. The meter details record indicates that the meter was changed on 24.12.2002 and the meter change



particulars were entered into the billing system only on 14.02.2004 i.e. 14 months later. Due to non-availability of proper data in the billing system, provisional bills were issued for three billing cycles after the change of the meter. The Respondent officials were asked that when the meter particulars were fed into the system on 14.02.2004, and it was known to them that provisional bills had been issued earlier, then why were reading based bills not issued in 2004 itself? No satisfactory reply was furnished by the Respondent officials explaining the reasons for delay in raising the bill after six years, in February 2008. The consumption record produced by the Respondent indicates that the consumption recorded by the meter changed on 24.12.2002 and again changed on 11.02.2005 till date, has been irregular. The Appellant informed that the large variation in consumption is due to the occupation of the premises by different tenants. The premises also remained vacant intermittently. The actual user of electricity (tenant) during 2002-2003 is no longer in possession of the premises and no recovery of the dues is possible from him at this stage. The registered consumer is also a Senior Citizen, over 80 years of age.

5. It is observed that there has been an unexplained delay in raising a bill for the arrears for the period 16.11.2002 to 29.07.2003. It is also clear that the recovery of dues cannot be made at this belated stage from the actual user, i.e. the tenant, by the Appellant who is himself above 80 years of age and a Senior Citizen. The Appellant has already been sufficiently harassed despite being a regular paying consumer. The Respondent first raised an arrear claim for




an amount of Rs. 31,981.92 erroneously. The amount was claimed considering the period from 29.09.2002 to 29.07.2003 as meter defective period, when there was no report / evidence that the meter was defective during this period. When the Appellant represented against the arrear claim, a disconnection notice was issued to the consumer under Section 56(1) of the Electricity Act 2003. The assessment bill for the amount of Rs.31,981.92 was subsequently withdrawn alongwith LPSC. Again a revised bill for consumption of 7040 units as 'escaped' billing for Rs.21,518.83 was raised.

Keeping in view the above observations I am of the view that recovery of the arrears of Rs.21,518.83 cannot be made from the consumer at this belated stage on grounds of natural justice. This amount should be recovered from those employees of the Discom found to be responsible for the lapses in this case

The CGRF order is modified to the above extent.

12th August 2008.


(SUMAN SWARUP)
OMBUDSMAN