

(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 31.08.2008 passed by CGRF-NDPL in CG.No. 0778/06/06/SMB.

Shri Sunder Lal Jain - Appellant

M/s North Delhi Power Ltd. - Respondent

Appellant Shri Dinesh Thakur and
Shri Vinod Arora attended on behalf of the Appellant

Respondent Shri Chiranjeev Taneja, HOG (R&C), Shalimar Bagh
Shri Pramod Kumar, Section Officer and
Shri Vivek, Assistant Manager (Legal) attended on behalf
of NDPL

Date of Hearing : 30.07.2008
Date of Order : 07.08.2008

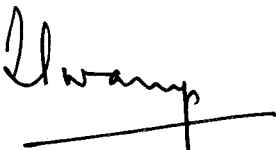
1. The Appellant, Shri Sunder Lal Jain, has filed a petition feeling aggrieved with the letter dated 17.03.2008 of the CGRF-NDPL conveying the decision of the Forum that his grievance falls under Section 126 of Electricity Act (misuse) and as such it is beyond

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jurisdiction of the Forum, although his complaint dated 29.01.2008 is a billing dispute and not a case of misuse. The Appellant has prayed that the matter be reconsidered and the NDPL be directed to revise the bills for the period 02.09.1999 to 29.07.2003 according to the applicable industrial tariff.

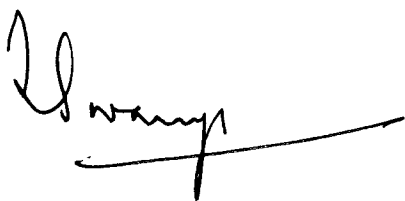
2. The background of the case as per the records / replies submitted by both the parties is as under:

- i) The Appellant is the registered consumer of the industrial connection K. No. 45100905002 installed at 44, Rajasthani Udyog Nagar, G.T.Karnal Road, Industrial Area, Delhi.
- ii) The Appellant has submitted that his grievance/complaint dated 29.01.2008 is in respect of a billing dispute for the period 02.09.1999 to 29.07.2003 for the above mentioned electric connection.
- iii) In reply to the complaint, the NDPL stated that the Appellant had earlier approached the CGRF-NDPL vide complaint no. 0778/06/06/SMB in respect of revision of the bill for adjustment of LPF penalty for the period 02.09.1999 to 20.04.2005. The NDPL also stated before the CGRF that a credit JE had been agreed to for withdrawal of LPF penalty of an amount of Rs.2,39,410.92, inclusive of the LPSC amount of Rs.37,779.34, which is subject to verification/authorization.



- iv) During the hearings on 24.08.2006 and 31.08.2006 before the CGRF on the complaint dated 29.01.2008, the Appellant was not present and the CGRF held that the Complainant does not wish to pursue the matter further and seems satisfied with the response of the NDPL.
- v) The NDPL further submitted that later on the Appellant approached the CGRF vide complaint CG No. 1194/04/07/SMB in respect of the assessment for the period 27.01.2004 to 02.03.2004 and wrong charging of 51 units for the period 24.02.2004 to 22.03.2004. The NDPL stated before the CGRF that the assessment amount has already been reversed and the CGRF decided that the credit of 51 units be extended to the Appellant. The NDPL also stated that the Appellant had not clarified whether the present appeal is filed in respect of the above two complaints which stand resolved. The NDPL requested that the present appeal be remanded back to CGRF for hearing on merits as the original complaint has not been decided by them.
3. After scrutiny of the contents of the appeal, the CGRF's order and the submissions made both the parties, it was decided to give a preliminary hearing on 30.07.2008.

On 30.07.2008, the Appellant Shri S. L. Jain was present through Shri Dinesh Thakur and Shri Vishal Arora. The NDPL was present through Shri Chiranjeev Taneja, HOG R&C, Shalimar Bagh,



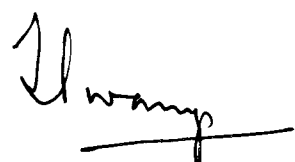
Shri Pramod Kumar, Section Officer and Shri Vivek, Assistant Manager (Legal),

During the preliminary hearing, the Appellant reiterated the submission already made in the appeal. From his submissions it became evident that the Appellant had not presented all the facts clearly before the CGRF. The Appellant had three grievances. Two of these related to a) credit for 51 units and b) withdrawal of LPF penalty, and had been resolved. The third grievance related to application of wrong industrial tariff in the bills raised between 02.09.1999 to 29.07.2003.

It was therefore, decided that a detailed representation be sent by the Appellant to the NDPL, District Manager for resolving the remaining grievance regarding levy of incorrect tariff. The representatives of the NDPL agreed to resolve this grievance. This may be done within 21 days of the date of this order, failing which the Appellant may file a fresh complaint before the CGRF.

No further action is required by this Forum as the NDPL representatives have agreed to resolve the remaining grievance regarding the billing dispute.

7th August 2008 .


(SUMAN SWARUP)
OMBUDSMAN