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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/2008/286

Appeal against Order dated 05.06.2008 passed by CGRF–BYPL in complaint no. 86/05/08 (K.No. 121115280259).

In the matter of:

Shri Rama Shankar Singh - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant The Appellant is not present

Respondent Shri Simran Khullar, Commercial Officer and
Shri Rajeev Ranjan, Assistant Manager (Legal)
attended on behalf of BYPL

Date of Hearing : 12.12.2008

Date of Order : 18.12.2008

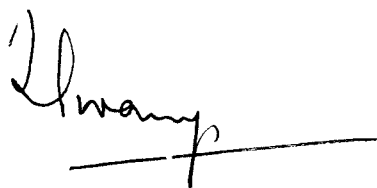
ORDER NO. OMBUDSMAN/2008/286

1. The Appellant, Shri Rama Shankar Singh has filed this appeal against the order of the CGRF-BYPL dated 05.06.2008 stating that the CGRF order was passed without hearing him and a one sided decision was taken. The CGRF, relying upon the contention of the BYPL, has not given any relief against the burnt meter charges recovered by the Respondent from the Appellant.



2. The background of the case as per submissions made by both the parties is as under:

- i) The meter of the Appellant, having electric connection vide K. No. 121115280259, got burnt on 24.09.2007 at about 4:00 pm. As per the Appellant, the short circuit at the electric pole caused the burning of all the 12 meters in the block along with the service cable. The fire brigade and police were also called. The grievance of the consumer is that the licensee has wrongly charged the cost of the electric meter (Rs.1,145/-) as there was no fault on his part in the burning of the meter.
- ii) The Appellant's earlier complaint dated 18.04.2008 addressed to Electricity Ombudsman was transferred to CGRF-BYPL for taking appropriate action. A case no. 86/05/2008 was registered in the CGRF and the date of hearing was fixed for 23.05.2008 vide CGRF letter dated 06.05.2008.
 - The hearing was preponed for 22.05.2008 vide letter dated 14.05.2008.
 - On 22.05.2008, the Appellant was absent at the hearing before CGRF and the case was adjourned to 10.06.2008.
 - The case was preponed to 06.06.2008 vide CGRF letter dated 28.05.2008.
 - The case was again preponed to 05.06.2008 vide letter dated 03.05.2008.

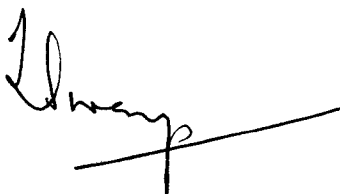


- On 05.06.2008, the Appellant was not present, and the case was heard on 05.06.2008 in the absence of the Appellant, and a final order was passed.

iii) The Respondent stated before the CGRF that an official of the company (line man) visited the site and found all the 12 meters and other accessories burnt at site. The cause of burning of the meters could not be traced out as the meters had almost turned to ashes. The cost of the burnt meter i.e. Rs.1,145/- was charged in the billing month of October, 2007 from the consumer. It was further stated by the Respondent that the cause of the fire and burning of the meters was not attributed to the licensee, although, the cost of the meters had been charged from all the 12 consumers whose meters were burnt. The Respondent further stated that the fire could have taken place in the meter niche due to excessive sparking or due to internal faults in the wiring of the consumer. The CGRF passed their order relying on the contention of the Respondent and the case was decided against the Appellant.

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

3. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by the Respondent, the case was fixed for hearing on 12.12.2008.

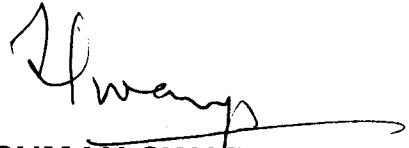


On 12.12.2008, the Appellant was not present. On behalf of the Respondent Shri Simran Khullar, Commercial Officer and Shri Rajeev Ranjan, AM (Legal) were present.

The Respondent admitted that all the 12 meters in the building were burnt into ashes. This is possible only if there was a fault in the Respondent's service line / sparking in the wiring connecting the meters. It is clear that if the consumer's wiring was faulty, only one meter would have been affected. The Respondent also admitted that no site inspection was carried out or report regarding cause of the fire prepared. The DERC Regulations provide that the cost of the meter is payable by the consumer only if he is at fault. In the instant case the cost of the meters has been charged from all the 12 consumers, and all of them were presumed to be at fault. The Respondent could not produce any evidence to establish this. **As such, it is decided that the cost of the meter recovered from the consumer be refunded to the Appellant by cheque within 15 days of this order, and also to the 11 consumers, if, requests are received from them.**

The order of the CGRF is accordingly set aside.

18th December 2008


(SUMAN SWARUP)
OMBUDSMAN