

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/2008/288

Appeal against Order dated 24.06.2008 passed by CGRF-BYPL in complaint no. 91/05/08 (K.No.1240Q605 0867).

In the matter of:

Shri Chaman Lal - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant Shri Chaman Lal, the Appellant was present in person

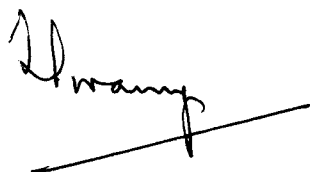
Respondent Shri Raghavendra Sharma,
Shri Rajesh Manchanda, Business Manager
Shri Pawan Gupta, Assistant Manager and
Shri Rajeev Ranjan Assistant Manager (Legal) all
attended on behalf of BYPL

Date of Hearing : 18.11.2008

Date of Order : 20.11.2008

ORDER NO. OMBUDSMAN/2008/288

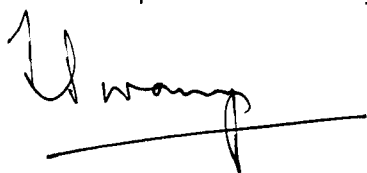
- 1) The Appellant, Shri Chaman Lal has filed this appeal against the orders of the CGRF-BYPL dated 24.06 2008, on the grounds that the case was closed by the Forum without taking into consideration



the facts and circumstances and the order is mainly based on misleading and false pleas raised by the BYPL.

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

- (i) On vacation of the first floor premises of the Appellant by his son Shri Desh Deepak, the Appellant requested for disconnection of the electricity connection sanctioned in the name of his son, vide K. No. 1240 Q605 0867 on 07.07.2007. The meter of the said connection was removed by BYPL on 10.07.2007. A final bill amounting to Rs.2,012/- was prepared by BYPL.
- (ii) The Appellant requested BYPL that the amount of final bill be adjusted against the security amount of Rs.2,400/- deposited against the connection which is lying disconnected from 10.07.2007. The electricity dues were not adjusted against the security amount and BYPL issued a disconnection notice although the connection had been disconnected on 10.07.2007. The Appellant deposited Rs.2,010/- on 05.09.2007 under protest. The Appellant requested BYPL to adjust the dues of Rs.2,010/- against the security amount deposited by his son and to refund the amount deposited by him.
- (iii) Since no action was taken by BYPL, the Appellant filed a complaint before the CGRF-BYPL on 26.05.2008 and requested for adjustment of the final dues of the bill for the first



floor from the security amount and also claimed refund of the Rs.2,010/- paid by him.

(iv) The BYPL stated before CGRF that:

a) The Complainant has no locus-standi to file the present complaint as he was neither a registered consumer nor beneficiary of the said connection.

b) Payment of the final bill cannot be adjusted from the security amount.

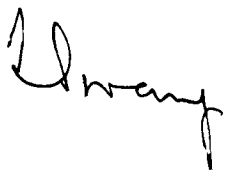
(v) The CGRF agreed with the above contention of the BYPL and passed orders dated 24.06.2008 and concluded that the complainant's request for refund of Rs.2,010/- was not acceptable.

Not satisfied with the order 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 both the parties, the case was fixed for hearing on 18.11.2008.

On 18.11.2008, Shri Chaman Lal, Appellant was present in person. The Respondent was present through Shri Rajeev Ranjan, Shri Raghavendra Sharma, Shri Rajesh Manchanda, Business Manager and Shri Pawan Gupta, Assistant Manager


4) Both parties were heard. The Appellant confirmed that he was the owner of the house, including the first floor, and had paid the last bill



of Rs.2,010/- after vacation of the first floor by his son. The Respondent agreed with these contentions but stated that since the Appellant was not the registered consumer, he had no locus standi. However when asked as to why they had accepted payment of the last bill from the Appellant and disconnected the supply on his request, the Respondent could not give any satisfactory reply. It is clear that the purpose of taking security deposits from the consumers is that if the consumer moves away without paying the dues, the same can be recouped from the security deposit.

5. After hearing both the parties, it is decided that the amount of Rs.2,010/- paid by the Appellant should be refunded to him by cheque, within 15 days of this order. The final bill raised against the registered consumer i.e. son of the Appellant, be adjusted against the security deposit of Rs.2400/- plus interest available with the DISCOM, and the balance be retained till claimed by the registered consumer.

20th November 2008


(SUMAN SWARUP)
OMBUDSMAN