

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/2008/293

Appeal against Order dated 19.08.2008 passed by CGRF-BRPL in case CG. No.140/2008.

In the matter of:

Shri G.L. Kumar

- Appellant

Versus

M/s BSES Rajdhani Power Ltd.

- Respondent

Present:-

Appellant

Shri B.G. Yadav and
Shri Satish Kumar attended on behalf of the Appellant

Respondent

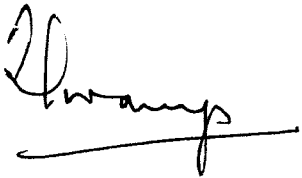
Shri S.N. Sharma , AG-I,
Shri C.S. Sakherwal, AVP,
Shri Rajesh Doshi, Business Manager
Shri I.D. Arora , S.O,
Mrs. Sarita Singh. Commercial Officer and
Shri Mahesh Chandra- Asstt., Accounts.
attended on behalf of the BRPL

Dates of Hearing : 13.01.2009, 28.01.2009, 06.02.2009,
19.03.2009

Date of Order : 21.04.209

ORDER NO. OMBUDSMAN/2009/293

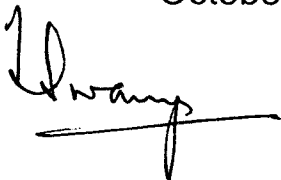
1. The Appellant has filed this appeal against the orders of CGRF-BRPL dated 19.08.2008 in the case no CG-140/2008. The Appellant had filed a complaint before the CGRF against the assessment/ reading bill dated 10.06.2008 amounting to Rs.3,77,470.39 for the period



17.11.2002 to 02.12.2005. A credit of Rs.1,09,503/- against payment of provisional bills was allowed and the net payable amount was worked out to Rs.2,67,966/-. In his complaint, the Appellant stated that he had already made a payment of Rs.2,88,220/- for this period and as such the bill needs revision. In the detailed order dated 19.08.2008, the CGRF held that the Appellant is to pay a sum of Rs.2,69,932/- (i.e. Rs.5,88,152 - Rs.2,88,220) for energy charges, assessment charges and short charges for different periods as per details furnished by the Business Manager (Div.), Vikas Puri. In his appeal, the Appellant has re-iterated the stand taken in his complaint before the CGRF and has not stated why he is not satisfied with the CGRF's order nor has he given any reasons for setting aside the CGRF's order.

2. The background of the case as per the contents of the appeal, the CGRF's order and the submissions of the Respondent is as under:

- a) Sh. G. L. Kumar is the registered consumer of electricity connection K. No. 2650 OD08 0039 installed at his premises G-1/2A, Uttam Nagar, New Delhi, with a domestic load of 1KW since 05.10.1993. Earlier, the supply was found being misused for export business and as such misuse charges were levied w.e.f. 21.09.1994 as per the policy prevailing at that time.
- b) The domestic category of the connection was changed to non-domestic category with enhanced load from 1KW to 6KW, in September 2004. The load was again got enhanced from 6KW to 11KW in August 2006. A number of times the consumer's meter was found to be defective or burnt during the period September 2003 to October 2005 and was replaced.



- c) From the details of the demand raised based on actual readings, the assessment for the defective meter and burnt meters periods, and the unclaimed actual charges for the period 15.10.2001 to 16.05.2002, it is seen that despite actual readings being available provisional bills were issued by the Respondent. The CGRF considering all the facts held that the net amount payable by the Appellant was Rs.2,69,932/-, after adjusting the payment of Rs.2,88,220/- already made by the Appellant.

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

3. After scrutiny of the contents of the appeal, the CGRF's order and the submissions made by both the parties, the case was fixed for hearing on 13.01.2009.

On 13.01.2009, the Appellant Sh. G. L. Kumar was present through Sh. B.G. Yadav, authorized representative and Sh. Satish Kumar. The Respondent was present through Sh. S.N. Sharma - AG-I, Sh. I.D. Arora - S.O, Sarita Singh- Commercial Officer and Sh. Mahesh Chandra - Asstt. Accounts.

Both parties were heard. The Appellant stated that the arrears claimed for the period 2002-2005 were for the first time raised in the January 2008 bill (belatedly). The Respondent stated that the undisputed current dues from January 2008 onwards have also not been paid by the Appellant. The Appellant stated that he was willing to make the payment of dues from January 2008 to December 2008 but the



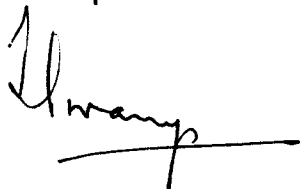
Respondent had not accepted the current dues as the disputed arrears claimed were not settled. The Respondent was asked to raise a separate bill without LPSC, for the undisputed current dues from January 2008 to December 2008, and the Appellant was asked to make payment of these dues before the next date of hearing.

The Respondent was also directed to prepare month-wise details of the disputed arrears of Rs.2,67,966 and to give these to the Appellant along with the statement of account from 2002 till date. The Respondent was also asked to produce the protocol of meter change sheets for changing the defective/burnt meter. The case was fixed for further hearing on 28.01.2009.

4. On 28.01.2009, the Appellant was present through Sh. B.G. Yadav and Sh. Satish Kumar. The Respondent was present through Sh. S.N. Sharma - AG-I, Sh. I.D. Arora - S.O, Sh. C.S. Sakherwal-AVP, Sh. Rajesh Doshi-Business Manager and Sh. Mahesh Chandra-Asstt., Accounts.

Both parties argued their case at length and the papers filed were also taken on record. The Appellant stated that he had just received the break-up of arrears and needed time to study these. Time was given for pointing out lacunae, if any, and the case was fixed for further hearing on 06.02.2009.

5. On 06.02.2009, the Appellant was present through Sh. B.G. Yadav. The Respondent was present through Sh. S.N. Sharma - AG-I, Sh. I.D.



Arora - S.O, Sh. C.S. Sakherwal-AVP, Sh. Rajesh Doshi-Business Manager and Sh. Surender.

Both parties were present and argued their case. The records produced by the Respondent were taken on record and the Appellant was allowed to examine these. The Appellant stated that instances of burnt/defective meter changes mentioned in the BRPL record are not based on actual records. However, he stated that due to a fire at his premises, all his own records had got destroyed. The Respondent was asked to file the original record of change of meters which were replaced a number of times, and the case was fixed for hearing on 19.03.2009.

6. On 19.03.2009, the Appellant was present through Sh. Satish Kumar who states that Sh. Yadav has met with an accident. The Respondent was present through Sh. S.N. Sharma - AG-I, Sh. I.D. Arora - S.O, Sh. C.S. Sakherwal-AVP, Sh. Rajesh Doshi-Business Manager and Sh. Chander Shekhar Das.

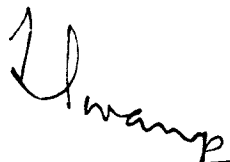
Both parties were advised to conclude their final arguments. The Respondent stated that they had brought documents relating to change of meter. These documents were taken on record. The Appellant was also advised to file any written arguments/objections within one week, after examining the documents filed by Respondent. As per the details worked out by the Respondent it was stated that the net payable amount up to 02.12.2005 comes to Rs.2,41,493.09 after adjusting the payment of Rs.2,88,220/-.

8. On 26.03.2009, Sh. Satish Kumar and Sh. Amit Kumar attended on behalf of the Appellant and were shown the details of payable amount worked out by the Respondent along with record of change of meters. The representative of the Appellant was advised to file written arguments/objections by 09.04.2009. The Appellant has not filed any written arguments or objection, nor did he argue his case any further verbally.

The Respondent has revised the demand for the period 17.11.2002 to 02.12.2005 to Rs.2,41,493/- by limiting the assessment period for the defective meter to only six months and without levy of any LPSC. This has not been disputed by the Appellant. **Payment of Rs.2,88,220/- made by the Appellant has also been accounted for.** In view of the fact that the bill has now been correctly revised by the Respondent to Rs.2,41,493/-, the Appellant should pay these arrears in three monthly installments, in addition to current dues.

The CGRF's order is accordingly modified.

21st April 2009 .


(SUMAN SWARUP)
OMBUDSMAN