

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/2008/294

Appeal against Order dated 26.09.2008 passed by CGRF-NDPL in CG.No. 1804/07/08RHN.

In the matter of:

Shri Amod Kumar Jain - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Amod Kumar Jain was present in person alongwith
Shri O.P. Madan, Advocate and
Shri V.K. Goel, Advocate

Respondent Shri Rajeev Kharyal, AGM, Rohini
Shri Sai Ram Patro, HOG (R&C)
Shri Sunil Dutt, Section Officer,
Shri Ashutosh Kumar, Senior Executive and
Shri Vivek, Assistant Manager (Legal) attended on behalf
of the NDPL

Dates of Hearing : 09.01.2009, 20.01.2009, 29.01.2009

Date of Order : 09.03.2009

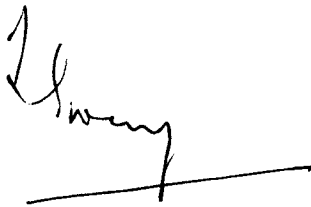
ORDER NO. OMBUDSMAN/2008/294

1 The Appellant Shri Amod Kumar Jain has filed this appeal against the orders dated 26.09.2008 of CGRF-NDPL in the case CG No. 1804/07/08 RHN.

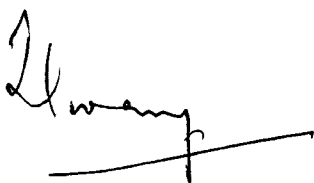
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2. The brief facts of the case, as per the records & submission of parties are as under:-

- i) Sh. Prem Chand Sharma is the registered consumer of electric connection bearing no. 44100123684 installed at his premises. The Appellant had purchased the property in 1995 and is the beneficiary of the connection since 1995. The connection is sanctioned for domestic purpose and is being used as such.
- ii) A dispute arose regarding transfer of FAE dues pertaining to some other connection to the connection of the Appellant in 1999. The dispute was agitated before the consumer forum, PLA and finally in the Hon'ble High Court of Delhi. As per the PLA's order dated 04.07.2003, the Appellant was directed to make 'on account' payment of Rs.45,000/- and was to continue to pay future bills after the reading on 04.06.2003.
- iii) The dispute relating to transfer of FAE dues was settled by the Hon'ble High Court of Delhi on 17.12.2007, and a direction was issued to the Respondent to credit the FAE dues and LPSC thereon in the account of the Appellant. The Respondent was to credit an amount of Rs.1,09,250.66 and the LPSC thereon in the account of the Appellant. The Respondent thereafter was to raise a demand towards arrears of current electricity charges.
- iv) In compliance of the order of the Hon'ble High Court, a credit of Rs.2,23,234.30 was given in the bill by the Respondent, leaving the revised bill of Rs.58,053.70 payable by Appellant.



- v) The Appellant filed a complaint before the CGRF against the revised demand of Rs.58,053.70 raised by the Respondent. The complaint was with regard to wrong bills being raised and assessment being made, which was different from the earlier dispute regarding transfer of FAE dues of some other connection. The Appellant was verbally informed that there was some assessment of about Rs.37,000/- of 1997 added in 2005.
- vi) The Appellant has stated that the assessment was wrong, no details were supplied by the Respondent and LPSC of more than 20,000/- was added whereas no LPSC is required to be added as wrong billing had been done for a long time.
- vii) The Respondent stated before the CGRF that the assessment was made for the period 08-12-1994 to 04-07-1997 and debit was reflected in the bill for the month of June 2002, Respondent also referred to the payment of Rs.45,000/- having been made by the Appellant in the month of August 2003 and stated that by way of making this part payment the Appellant had already cleared the amount towards assessment in the year 2003.
- viii) Before the Hon'ble High Court, the counsel for the Appellant had submitted that subject to the Respondent giving credit for the amount of Rs.1,09,250.66 and the LPSC on that amount which were wrongly claimed by the Respondent, the Appellant would pay this entire amount towards current dues in accordance with the demands raised by the Respondent.
- ix) Regarding writing off the amount due as principal against the sale of power during DESU/DVB period, the CGRF mentioned in its order that except for the amount as referred to above the



complainant had prior to the notification on May 2008 (with respect to writing off the DVB dues), undertaken to pay the remaining dues in full. The present complaint for waiver of charges towards assessment made for the period 1994 to 1997 and reflected in the year 2002 under the shelter of notification dated May 2008 is apparently an effort to avoid clearing of the legitimate dues.

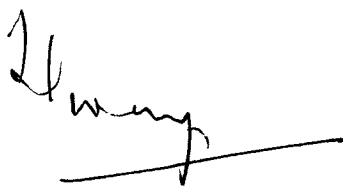
- x) The CGRF decided that the prayer of the consumer for waiver of assessment amount is not accepted.

Not satisfied with the above orders of CGRF-NDPL, 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 09.01.2009.

On 09.01.2009, the Appellant Shri Amod Kumar Jain was present in person along with Shri O.P. Madan Advocate. The Respondent was present through Shri Rajiv Kharyal, AGM, Rohini, Shri Sai Ram Patro, HOG (R&C) and Shri Vivek, Assistan Manager (Legal).

At the outset, the Respondent stated that they have considered the appeal and decided to waive off Rs.36,156/- aprox. + LPSC and agreed to issue a revised bill to the Appellant. The Respondent sought time to settle the matter through issue of revised bill. Time was granted upto 20.01.2009. The Appellant had no objection to this. The case was further fixed for hearing on 20.01.2009.



4. On 20.01.2009, the Appellant Shri Amod Kumar was present in person. The Respondent was present through Shri Sunil Dutt, S.O., Shri Ashutosh Kumar, Sr. Executive, Shri Sai Ram Patro, HOG (R&C) and Shri Vivek, Assistan Manager (Legal).


The Respondent stated that some more time be given to revise the bill and for refund of the excess amount if any, deposited by the Appellant. Time was given and the case fixed for 30.01.2009. On the request of Respondent, the hearing was re-scheduled for 29.01.2009.

5. On 29.01.2009, the Appellant was present through Shri V. K. Goel & Shri O. P. Madan Advocates. The Respondent was present through Shri Rajeev Khariyal, AGM and Shri Vivek, Assistan Manager (Legal).

A copy of the revised statement of dues produced by the Respondent was given to the Appellant. The Appellant agreed to the revised claim of the Respondent showing a credit of Rs.7193/- as on 17.11.2008. The Appellant's request to adjust the credit amount in future bills was agreed to.

The CGRF order is accordingly set aside.

9th March 2009


(SUMAN SWARUP)
OMBUDSMAN