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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/2008/297

Appeal against the reply of CGRF-NDPL vide letter no. CGRF/F-2/08-09/1862, dated 04.11.2008.

In the matter of:

M/s Yadav & Co.

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri V.K. Goel and Shri O.P. Madan, Advocates attended on behalf of the Appellant

Respondent Shri H.C. Sharma, HOG, (Commercial)
Shri Gagan Sharma, Senior Assistant (R&C) and
Shri Vivek, Assistant Manager (Legal) attended on behalf of the NDPL

Date of Hearing : 29.01.2009

Date of Order : 31.1.2009

ORDER NO. OMBUDSMAN/2008/297

1. The Appellant, not satisfied with the reply of CGRF-NDPL vide letter no. CGRF/F-2/08-09/1862, dated 04.11.2008, stating that the grievance of the Appellant dated 24.10.2008 falls under the misuse category which is beyond the jurisdiction of the Forum, and is therefore not admissible, has filed this appeal.



2. The background of the case as per the contents of the appeal are as under:

i) The Appellant states that his grievance is in respect of billing dispute i.e. revision on account of withdrawal of excess / misuse charges from the month of May 1994 to February 1997 for K. No. 31100132153.

ii) The Appellant states that the concerned electricity department without issuance of any notice / inspection report, raised wrong bills with excess / misuse charges during the disputed period due to a mistake. The Appellant states that he has given a number of representations to the department dated 23.05.1994, 05.01.1995, 13.10.1997, 03.09.1999, 07.10.2004, 18.09.2005 regarding correction of his bills. Till August 2008, the department neither revised the bills nor responded to his communications. Ultimately, the Appellant sent a reminder to CEO-NDPL on 07.08.2008. Thereafter, the Appellant was informed by NDPL vide letter dated 09.09.2008 that on going through the statement of account of the connection it is agreed that misuse charges have been charged from the year May 1994 to February 1997 and the demand so raised during this period has also been paid. The case being 14 years old and since no proof was provided by the Appellant of the



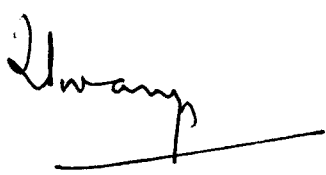
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communications sent during the said period, the revision of the bill of the disputed period is now not required.

- iii) The Appellant has prayed that the Respondent be directed to revise the bills after withdrawal of misuse charges for the period of May 1994 to February 1997, along with withdrawal of full LPSC charges.
 - iv) The Appellant states that the refundable / adjustable amount on account of wrong bills is approximately Rs.3,25,000/- plus LPSC charges.
3. After scrutiny of the contents of the appeal and other records, the case was fixed for hearing on 29.01.2009.

On 29.01.2009, the Appellant was present through Shri V. K. Goel and Shri O. P. Madan, Advocates. The Respondent was present through Shri H. C. Verma, HOG (Commercial), Shri Gagan Sharma, Senior Assistant (R&C) and Shri Vivek, Assistant Manager (Legal).


Both parties were heard. The Appellant produced original bills for the period May 1994 to February 1997 in which the excess / misuse charges were levied against the IP connection, having a sanctioned load of 89.52 KW. The Respondent stated that it was wrongly communicated to the Appellant that misuse



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charges have been levied for the period May 1994 to February 1997. In fact, these were not misuse charges but normative charges levied as per provisions of the prevailing Tariff order which provides that ***“For all consumption in excess to the prescribed normative consumption, a surcharge of 30% shall be levied on the energy charges of the consumption of the bill in excess of normative consumption”***. The Appellant accepted that the normative charges are leviable and have already been paid. Hence no refund is due to the Appellant. The Respondent was asked to send a detailed letter to the Appellant explaining the amounts levied as normative charges between May 1994 and February 1997. As regards arrears / dues for the period February 2008 to November 2008, these may be cleared by the Appellant in four monthly installments alongwith current dues. The Appellant requested for withdrawal of LPSC on the arrears which had accumulated for the period February 2008 to November 2008, as undisputed current dues were not fully paid. **The Appellant's request does not appear to be justified as there was no dispute regarding the current dues, and his request was therefore not agreed to.**

31st January 2009


(SUMAN SWARUP)
OMBUDSMAN