

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/2008/300

Appeal against Order dated 28.11.2008 passed by CGRF-BRPL in case no. CG/176/2008.

In the matter of:

Shri Iqbal Singh & Shri Jagmohan Singh - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri O.P. Ahuja was attended on behalf of the Appellant

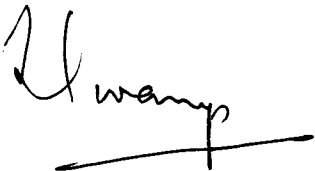
Respondent Shri Dharmendra Ahuja, Commercial Manager
Shri Sukhbir Sharma, AFO and
Shri Rakesh Gupta, Asstt. Accountant, attended on
behalf of the BRPL

Dates of Hearing : 06.02.2009, 31.03.2009

Date of Order : 23.04.2009

ORDER NO. OMBUDSMAN/2009/300

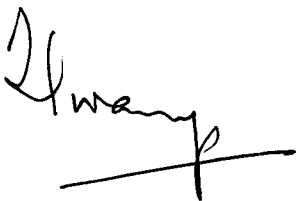
1. The Appellant filed this appeal against the orders of CGRF-BRPL dated 28.11.2008 in the case CG No. 176/2008, stating that he had filed a complaint before the CGRF against the supplementary demand of Rs.46,455/- raised by BRPL in the January 2008 bill. Again during hearing before the CGRF, BRPL raised an additional demand of Rs.2,01,557/-. The CGRF instead of rejecting this additional demand of



the Respondent, despite the objections of the petitioner, entertained the supplementary demand of Rs.2,01,557/- and adjudicated upon the same and passed orders without even giving any opportunity to the petitioner to represent his case and without considering the merits of the matter. The Appellant has prayed that the demand of Rs.2,01,557/- raised by the BRPL and ordered to be paid by the CGRF, may kindly be set aside.

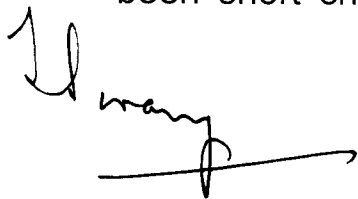
2. The brief facts of the case as per the contents of the appeal, the CGRF order and the submission made by both the parties are as under:-

- a) The Appellant applied for load enhancement from 1KW to 20Kw against the electricity connection K. No. 25300E030040 in June 2002. As per the meter change report a three phase meter for 20Kw load was installed on 21.10.2002. The Respondent continued to raise the bills by reflecting a 1Kw load instead of a 20KW, in the bills for years together.
- b) In June 2008, the Respondent raised a supplementary demand of Rs.46,455/- along with current dues of Rs.64,283/- . On inquiry the concerned dealing assistant informed that the supplementary demand is for minimum guarantee charges and fixed charges for the period 28.07.2002 till date on the basis of a 19Kw additional load



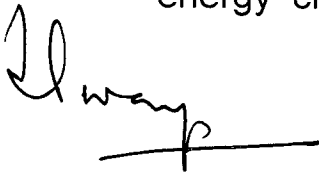
supplied to the Appellant. However, no details were provided to the Appellant.

- c) Against this supplementary demand of Rs.46,455/-, the Appellant filed a complaint before CGRF-BRPL stating that his bill was revised earlier in August 2006 also, and as such the supplementary demand is not payable.
- d) The Respondent stated before the CGRF that the 20 KW load of the Appellant has since been updated in their system and will be reflected on the subsequent bills. In August 2006 the bill of the Appellant was revised for the period from June 2002 to August 2006 and this included "Meter Change Assessment" and energy charges on actual reading basis. However, the additional load of 19KW was not added at that time. The Respondent further informed that while revising the June 2008 bill, the additional demand of Rs.46,455/- was raised towards fixed charges for a load of 20KW w.e.f. 28.07.2002 to 22.05.2008 and a credit amount of Rs.20,773/- was given towards MDI violation charges in the bill for the month of September 2008, which was revised to Rs.22,080/- after adjustment of the un-posted payment of Rs.68,295/-.
- e) The Respondent further stated before the CGRF that it has come to their notice that 29553 units have been short charged while revising the bill in the month of August 2006. A total amount of Rs.2,01557/- was found to have been short charged keeping in view the aspect of MG /



fixed charges, as per tariff based on sanctioned load of 20KW. The CGRF observed that it was amazed that no actual consumption charges were recovered by the Respondent on the basis of readings recorded by the meter for the period from 21.10.2002 to 04.10.2004 leaving a gap of 29935 units, and this creates a suspicion on how such a serious error was allowed to continue in the system? The CGRF apprehended complicity of some of the officials who have taken the matter causally, despite the fact that a load of 20KW had been sanctioned and a single phase meter was replaced with a three phase meter. Finally, the CGRF held that the Respondent was within their rights to raise the bill for the short charged units for the previous periods, if any, at any point of time, based on the actual consumption recorded by the meter.

- f) The CGRF directed the Respondent to send a self-contained note to the Appellant indicating the reasons for recovery of an additional amount of Rs.2,01,557/- and to give the break-up for the energy charges, minimum charges and fixed charges for the specific periods. The minimum charges can be recovered for the period 13.06.2002 to 21.10.2002 on the basis of a 1 KW load, and for the period 21.10.2002 to June 2003 minimum charges be recovered on a 20KW basis. With effect from July 2003 fixed charges should be recovered along with energy charges as per the provision of the tariff. The



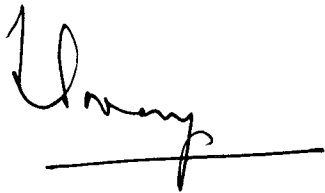
CGRF has allowed a token compensation of Rs.2000/- to the Appellant for the harassment and inconvenience caused to him due to revision of the bills time and again, and for not furnishing of the required information to the Appellant by the Respondent in time, regarding recovery of short charges for 29553 units.

Not satisfied with the CGRF's orders, 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 06.02.2009.

On 06.02.2009, the Appellant was present through Sh. O.P. Ahuja, authorized representative. The Respondent was present through Sh. Dharmendra Ahuja-Commercial Officer and Sh. Rakesh Gupta- Asst. Accountant.

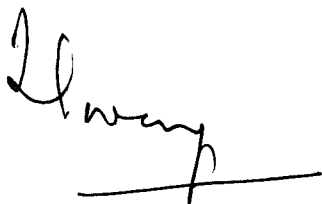
Both the parties were heard. The Appellant re-iterated the submissions already made in his appeal and further stated that he had already made payment of the DAE bill in 2006, which covers all previous periods, as such he is not liable to pay the supplementary demand raised by the Respondent.

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The Respondent was asked to produce the judgment of the DAE cases and the statements of the parties, statement of account from October 2002 till date for the 1KW load and statement of dues for the 20KW load including amounts payable as per revisions made through supplementary bills. The case was fixed for further hearing on 17.02.2009 but was re-scheduled for 31.03.2009.

4. On 31.03.2009, the Appellant was present through Sh. O.P. Ahuja. The Respondent was present through Sh. Dharmendra Ahuja and Sh. Sukhbir Sharma-AFO.

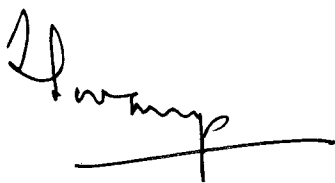
Both parties argued their case. The Respondent produced the documents/ statements as directed during the previous hearing. The Respondent further stated that the short charges for 29553 units proposed to be charged now in the supplementary demand, were based on the copy of the meter change report dated 04.10.2004 produced by the Appellant as the Respondent's record of change of meter was not available. The photocopy of the meter change report produced by the Appellant was found to have over writing on the final reading of 29580 recorded therein. The Respondent also produced the meter book record for the single phase meter which was replaced in October 2002 with the remark recorded therein that further record of readings for three phase meter had been transferred to another SIP meter book on P-334.



The Respondent stated that they had now been able to locate the meter book containing the record of readings for the 3 phase meter w.e.f. 21.10.2002 to August 2003 and thereafter the Respondent stopped maintaining the meter book record. During this period of about eleven months a consumption of about 1.04 lakhs units was recorded. The Respondent had earlier claimed short charges of 29553 units for the entire period October 2002 to October 2004. The original meter book records were shown to the Appellant. The Appellant objected to such record being produced at this stage.

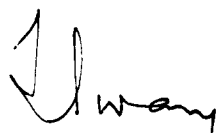
Arguments of both the parties were heard. The Respondent also sought three days time to locate the original meter reading record for the period September 2003 to October 2004 and the original meter change report dated 04.10.2004. Time was given upto 06.04.2009 to the Appellant for producing this record.

5. On 06.04.2009, the Respondent sought another three days time i.e. upto 10.04.2009 for producing the required details. Simultaneously, on 06.04.2009 Sh. O.P. Ahuja, authorized representative of the Appellant, filed an application for withdrawal of the subject appeal and informed that the Appellant has paid the bill raised by the Respondent in compliance of the CGRF's order dated 28.11.2008 in full.



6. After the arguments were closed, the Appellant filed an application dated 06.04.2009 to withdraw the appeal and also informed that he had paid the bill raised by the Respondent in compliance with the CGRF order dated 28.11.2008 in full on 31.03.2009. Since the Appellant has paid the bill raised as per the CGRF-BRPL's order dated 28.11.2008, his application for withdrawal of the appeal was accepted and the appeal is dismissed as withdrawn.
7. The Respondent, during the hearing produced the actual consumption recorded in the meter book for the period from 21.10.2002 to August 2003 showing a consumption of 1.04 lakh units, but has not so far raised the demand as per the actual recorded consumption. It is clear that the supplementary bill raised against the Appellant for units short charged which he disputed, is not based on actual consumption, which is actually much higher. Since the Respondent has not so far raised any bill for the higher units consumed, no orders can be passed by me at this stage. However, the Respondent is free to take action after following the procedure laid down to raise the bill for the units actually short charged.

23rd April 2009


(SUMAN SWARUP)
OMBUDSMAN