

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/2009/318

Appeal against Order dated 05.02.2009 passed by CGRF–BRPL in case no. CG/228/2009.

In the matter of:

Mrs. Pramila Balasundaram - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Mrs. Pramila Balasundaram,
Mrs. Sumathi Morgan and
Shri Ved Prakash attended on behalf of the Appellant

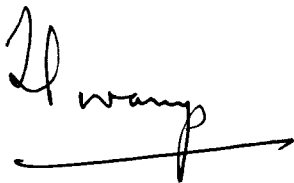
Respondent Shri Ravinder Shrivastava, DGM
Shri Manish Singh, Commercial Officer attended on
behalf of the BRPL

Date of Hearing : 29.05.2009, 09.06.2009

Date of Order : 12.06.2009

ORDER NO. OMBUDSMAN/2009/318

1. The Appellant Smt. Pramila Balasundaram has filed this appeal against the orders dated 05.02.2009 passed by CGRF-BRPL in case no. CG/228/2009 whereby the Appellant was held liable to pay the consumption charges w.e.f. 01.07.2002 to 09.01.2009 to be worked out proportionately by the Respondent. It was also



decided by CGRF that the connection will continue to be billed at commercial tariff. In the appeal, Appellant has prayed for:-

- (i) Re-connection of the electricity supply which was disconnected in November 2008 as they are finding it difficult to conduct various services for the disabled children,
- (ii) Waiving off payments for the period up to February 2007 in accordance with section 56 (2) of the Electricity Act 2003,
- (ii) Change in the tariff category from commercial to domestic as per rules.

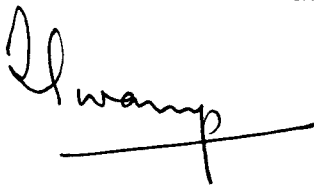
2. The background of the case as per the appeal, the CGRF's records and the reply filed by the Respondent are as under:-

- a) The Appellant states that she is the Co-founder and Director of SAMADHAN, an NGO established in the year 1981, and registered under the Societies Registration Act, National Trust Act and the Income Tax Act. The organization is serving mentally handicapped children in the re-settlement colony of Dakshinpuri for the last 26 years.
- b) An electricity connection was installed at the SAMADHAN premises in Sector-V, Main Market, Dakshinpuri, New Delhi on 17.10.1995 for a load of 11KW. The concerned officials of SAMADHAN had contacted / written a few letters to the Respondent for correction in the address and

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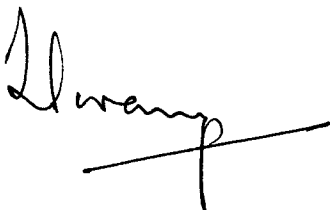
name for issuance of electricity bills, based on actual consumption.

- c) The Appellant received only one bill amounting to Rs.26,880 showing a consumption of 2470 units for the period 1995 till 2000. The second bill for the period from 2000 to 2009 was issued for an amount of Rs.28,275/- at commercial tariff of Rs.5.35 per unit. Thus, the total payable amount became Rs.55,155/-.
- d) The Appellant being an NGO has been working for mentally disabled children and survives on government grants and donations. The complaints repeatedly made against non-receipt of bills did not yield the desired results.
- e) The Appellant filed a complaint before the CGRF-BRPL on 22.12.2008 praying for resolving the problem of billing and payment of electricity charges, and for levy of a lower rate for electricity, being an NGO.
- f) The respondent stated before the CGRF that the record prior to June 2002 i.e. the DVB period was not available, and the actual reasons for not recording the meter readings are also not known to the Respondent. Even after June 2002 (when BSES came into existence) the readings could not be recorded as the recorded address was found to be incomplete / insufficient.
- g) The Respondent officials visited the site/premises on 09.01.2009 when it was found that the supply was lying disconnected and the meter reading was 41574. The



Respondent's records indicate disconnected status since 16.04.2004.

- h) The Consumption for the DVB period from 17.10.1995 to 30.06.2002 was waived off as per the Notification of the Govt. of NCT of Delhi. The Proportionate consumption for the period from 01.07.2002 to 16.04.2004 was worked out as 8773 units. Fixed charges were also recovered for six months after disconnection of supply, and the net amount payable was worked out to Rs.45,592/-.
- i) During the hearing, before the CGRF the Appellant stated that their supply had not been disconnected on 16.04.2004 as intimated by the Respondent. The CGRF, therefore, directed that the last reading i.e. 41571, be considered as the readings on 09.01.2009. The consumption for the DVB period from 17.10.1995 to 30.06.2002 be again worked out proportionately, based on the total consumption of 41571 units for the period from 17.10.1995 to 09.01.2009.
- j) The CGRF in its order, observed that the Appellant could not submit any documentary evidence to prove that the NGO had been approved by the Govt. of NCT of Delhi, as such, the connection will continue to be billed on commercial tariff. The CGRF awarded a token compensation of Rs.1,000/- on account of inconvenience caused to the Appellant for non-receipt of bills due to incorrect address in the records.



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

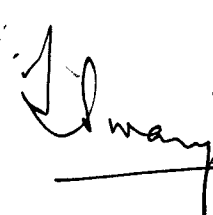
3. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 29.05.2009.

The case could not be heard on 29.05.2009 as the Appellant was not present. When contacted on telephone, she stated that the notice was not received by her. The case was adjourned to 09.06.2009.

4. On 09.06.2009, the Appellant was present in person through Smt. Pramila Balasundaram, Smt. Sumathi Morgan and Sh. Ved Prakash. The Respondent was present through Sh. Ravinder Shrivastav, DGM and Sh. Manish Singh, Commercial Officer.

Both parties argued their case and were heard. The Appellant stated that were she was to pay the charges for electricity consumed by them and had already paid Rs.38,000/- recently.

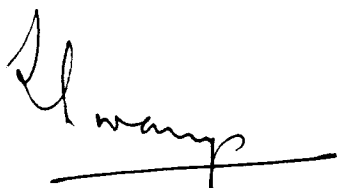
The remaining dues they were willing to clear in installments.

The Respondent could not give any satisfactory reason for non raising of regular bills. After considering all the facts it is decided as under:-

- a) The Appellant had already been given relief for the period 17.10.1995 to 30.06.2002 (DVB period) as electricity charges for this period had been waived off. Waiver of dues upto 2007 under Section 56(2) of the Electricity Act is not called for since no bill was raised after 2000.
- b) The Appellant had already paid Rs.38,000/- being 1/3rd of the arrears assessed as per the CGRF's order. The dues have been correctly assessed and the balance amount remaining may be paid in 5 equal monthly installments along with current demand. The supply be also restored immediately.
- c) The Appellant be charged domestic tariff henceforth, in view of the provision in the tariff order for charging domestic tariff from charitable organizations approved by Govt. of NCT of Delhi. In this case, since the organization is approved by the Central Govt, It may be given the same benefit.

The CGRF order is modified to the extent above.

12th June 2009


(SUMAN SWARUP)
OMBUDSMAN