

37 (12)
61

Office of the Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act. 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi – 100 057
(Phone No.: 39506011 Fax No.26141205)

Ref: E.OBM/A/05/32

Dated: 12th September, 2005

Appeal No. F. ELECT/Ombudsman/2005-06/32

Appeal against Order dated 13.05.2005 passed by CGRF – BYPL on Complaint No.: CG-90/02/2005.

In the matter of: M/s Jain Grinding Works - Appellant

Versus

M/s BYPL - Respondent

Present:-

Appellant Shri Pradeep Kumar Jain, appellant alongwith Advocate
Shri C.Kumar

Respondent Shri C.P.Singh, Commerical Officer and Shri G.S.Bisht
of BYPL -Krishna Nagar,

Date of Hearing : 25.08.2005 & 30.8.2005
Date of Order : 12.09.2005

ORDER NO. OMBUDSMAN/2005/32

This is an appeal against order dated 13.5.2005 of CGRF-BYPL, Karkardooma, Delhi. The facts of the case as stated in the appeal are:

The appellant was receiving electricity through meter bearing K.No 12202002076 (New) and 631 – 1222426 (old) installed at IX/2148, Gali No. 10, Kailash Nagar, Delhi of M/s Jain Grinding works. proprietor Mr. Pradeep Kumar Jain. His electricity was disconnected in July 1999 under the direction of the Delhi Polluting Control Committee (DPCC) consequent to Supreme Court orders.

As a result of, the order of DPCC dated 5.1.1998 directing the closure of the unit under Section 31A of Air Act 1981, the electricity of the appellant was disconnected. Bills however continued to be raised by the Respondent company, despite many visits and request by the complainant to discontinue raising the bills in view of disconnection of electricity.

Finally, on 29.6.2002 a bill was raised on the appellant showing credit of Rs.13855.09 but no refund was given to him. On 2.8.2002 the meter was removed; the appellant requested for refund of security deposit and other amounts, but, despite the above requests and visits the refund was not given to him. On the contrary, bills were raised by the respondent company till January 2005 demanding Rs.1,95,224.75.

In the appeal filed before CGRF-BYPL, the CGRF did not grant any relief claimed by the complainant. It held that the complainant was misleading the Forum by producing documents of another unit working at IX/2148, Gali No.10, Kailash Nagar, Delhi which was not the address of the appellant but of somebody else. On this basis, the CGRF levied a fine of Rs.1000/- on the complainant. It is against this order that the appellant came to the Ombudsman.

After calling for the records from the CGRF and scrutiny of the contents of the appeal the case was fixed for hearing on 25.8.2005 at 11.30 AM. The representative of the Discom was directed to bring with him the file of K.No. 22203122242 on the date of hearing. Shri C.P.Singh, Commercial Officer of BYPL alongwith Shri G.S.Bist, Asstt. Finance Officer, represented the company on the date of hearing. Shri Pradeep Kumar Jain, the appellant alongwith Shri C.Kumar, advocate also attended.

It is distressing to note the manner in which the complaint has been handled by the CGRF-BYPL. The order of the CGRF shows that there is no clarity in the mind of Shri Ankur Jaiswal, the representative of Discom, Krishna Nagar. Neither Shri Jaiswal of BYPL nor the CGRF has taken the pains to find out who is the consumer at IX/2148, when they held that the appellant was misleading the Forum by producing documents of another unit at IX/2148. If Shri Jaiswal the CO(D) of BYPL or the members of the CGRF had verified the address at IX/2148, they would have come to know that the appellant himself is located at IX/2148 and not at IX/2145, which is wrongly printed on the appellant's Bills.

An independent inquiry was made by the Office of the Electricity Ombudsman to find out what is the correct address of M/s Jain Grinding works and if any other unit of M/s Jain Grinding Works exist at IX/2145, Gali No. 10, Kailash Nagar, Delhi, but, such enquiry shows that there is none from Jain Group at this address. In fact it is reported that there is a public library functioning at IX/2145. The premises at IX/2148 (bearing K.No: 22203122242) is being used by the appellant M/s Jain Grinding works as a godown.

To further verify the correct address of the appellant, his K.No. 63101222426 file was called for and examined. The appellant's application seeking electricity connection showed the name as M/s Jain Grinding Works at the address IX/2148, Gali No. 10,

10
59

Kailash Nagar, Delhi. All the other papers/documents in this K.No. file showed the appellant's address at IX/2148, Gali No. 10, Kailash Nagar, Delhi. This confirms that the appellant is not misleading anybody and his address is indeed IX/2148.

The Asst. Finance Officer and Commercial Officer of BYPL – Krishna Nagar also confirmed that there is no electricity supply in the name of any company of the Jain Group, proprietor Pradeep Kr. Jain at IX/2145 in their records. Now, there is no doubt or confusion about the correct address of the appellant M/s Jain Grinding Works. It appears that the error in address has been made by the Discom sometime in printing on the Bill and this has continued. The correction has not been made despite request by the appellant. What needs to be done now is to correct the address on the appellant's Bills which is being shown as IX/2145 which is wrong and which has not been amended despite request by the appellant.

The next confusion in the minds of the CGRF members is regarding the correct K.No. of the appellant. CGRF order mentioned that original complaint filed before it. K.No given by the appellant is 631-1222426. This is the K.No. mentioned by the appellant in all his correspondence before CGRF but the CGRF members appear to be confused because of the office noting of the Account Department which gives the K.No. 22203122242. The CGRF order refers to another document addressed to M/s Jain Grinding Works (Annex. E in the CGRF order) where the K.No. is 631122242. Therefore the CGRF came to the conclusion that these were two different K.Nos. and of two different addresses. They therefore concluded that the appellant was trying to mislead the forum by producing documents of another unit. If we were analyze K.No. 22203122242, it is seen that 22203 is the Zone No. and 122242 is the K.No. Now if we analyze old K No., it is 631 – 1222426, it is seen that 631 is the Zonewise Series No., the K.No. is 122242 and 6 is the Book No. enabling the company to identify which book contained the above series of number. Therefore, there is no doubt that the K.No. is the same 122242. The earlier digit represent the zonewise series and the new K.No. give the zone number. The K.No. in both the cases which was confused as belonging to different units is the same "122242" and this belongs to IX/1248, Gali No: 10, Kailash Nagar where M/s Jain Grinding Works was functioning under the proprietorship of Shri P.K.Jain. There is now no doubt that the appellant is the same and there is no misleading by him. **Shri C.P.Singh and Shri G.S.Bist both agreed that they are dealing with only one appellant i.e. M/s Jain Grinding Works functioning from IX/1248, Gali No. 10, Kailash Nagar, Delhi whose electricity supply was disconnected in July 1999 by the order of Supreme Court because it was a polluting unit.**

It is now admitted by the Respondent Company that the electricity supply of the appellant was disconnected on the direction of DPCC and therefore it is order that no bills will be raised by the Discom after the date of disconnection. No minimum guarantee will be charged and security deposit given by the appellant will be refunded. Interest @ 12% will be paid to the appellant on Rs.13855/- + minimum guarantee already charged from the due date. The representative of the respondent company Shri C.P.Singh and Shri G.S.Bist are directed to prepare a revised bill on the basis of the above direction. The revised calculation to be shown on 30.8.2005 to the Ombudsman.

4/9
(58)

On 30.8.2005, Shri C.P.Singh, the representative of respondent company attended alongwith Shri P.K.Jain, the appellant. The calculations submitted by Shri C.P.Singh for revised bill were not in order. After discussing, Shri C.P.Singh agreed to submit the revised bill tomorrow i.e. 1.9.2005.

On 1st September'05 the representative of the respondent company submitted a copy of revised bill with credit of Rs.41,913/65p as against demand of Rs.1,95,224.75p.

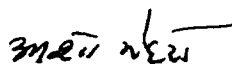
In this case, the appellant has been harassed for no fault of his. The Business Manager, the Commercial Officer and/or Asst. Finance Officer of Discom should have verified the correct address either from the meter reader who made personal visits to read the meter, whether it was at IX/2145 or IX/2148 and there would have been no confusion after that. The problem arose because they did not take pains to verify the address nor they verified from their own records as to which address IX/2145 or IX/2148 the electricity supply was disconnected. It was very easy if that would have been done. In fact, ^{the} ~~the~~ Note recorded of the DVB to correct the address after site verification from IX/2145 to IX/2148 has also not been implemented. Had this been implemented, there would have been no confusion.

5- is on
k. file

Accordingly, it is ordered;

- i) **The credit amount of Rs.41,913.65p may be refunded to the appellant.**
- ii) **On account of above failures of the Respondent company, there is deficiency of service, leading to a lot of harassment to the appellant. The Respondent company is ~~also~~ directed to pay Rs.1000/- to the Appellant as token compensation for harassment and avoidable inconvenience caused to him and Rs.1000/- as cost of litigation.**

In view of the above, the order of CGRF is set aside.


(Asha Mehra)
Ombudsman