

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/2009/336

Appeal against Order dated 19.05.2009 passed by CGRF–BYPL in complaint No.35/02/09.

In the matter of:

Shri Inder Pal Dua

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

- Respondent

Present:-

Appellant The Appellant Shri Inder Pal Dua was present in person

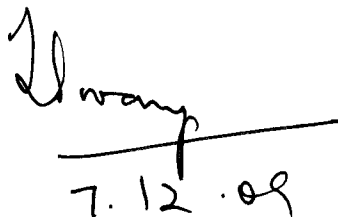
Respondent Shri Deepak Benjamin, DGM
Shri Devinder Kumar, Commercial Officer
Shri M.K. Jha, Legal Officer
Shri Rajeev Ranjan, Assistant Manager Legal,
Shri Vijender Sharma, Asstt. Grade-II attended on behalf
of the BYPL

Dates of Hearing: 04.11.2009, 12.11.2009

Date of Order : 07.12.2009

ORDER NO. OMBUDSMAN/2009/336

1.0 The Appellant Shri Inder Pal Dua, has filed this appeal against the CGRF-BYPL's order dated 19.05.2009, in the case CG No 35/02/09 stating that he had paid the bills upto 29.08.2005 on 05.10.2005, but the licensee's officials have not waived off the LPSC of Rs.18,705/-, although they had agreed to do so. The Appellant has also


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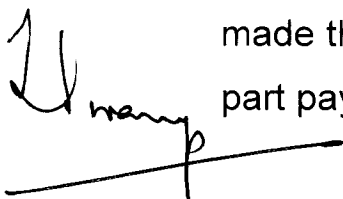
requested for the testing of his meter, as higher consumption had been shown in the last 6-7 bills. He has stated that he is not satisfied with the CGRF's order as his complaint has not been considered seriously.

1.1 The background of the case as per the contents of the appeal, the CGRF's order and the submissions of the parties is as under:

i) The Appellant filed a complaint before the CGRF-BYPL on 13.02.2009 stating that the Respondent had been sending bills at the wrong address, and his meter had also been running fast. He requested therefore for revision of his bill by withdrawing the LPSC and for refund of the excess amount paid by him.

ii) The Respondent stated before the CGRF that:

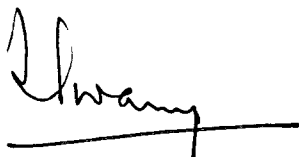
- That the bills of the complainant were corrected from a total of Rs.1,40,214.31 to Rs.41,615.52 in June 2002, by giving him a credit of Rs.98,598.79, (including relief of waiver of LPSC of Rs.96169.28). No LPSC was included in the complainant's revised bill, but the complainant did not even made the payment of this revised bill, and he made only one part payment of Rs.10,000/- on 25.03.2004.

A handwritten signature in black ink, appearing to be 'Uman', with a horizontal line drawn underneath it.

- That the cheque dated 17.11.2005 of Rs.5000/- submitted by the complainant was dishonored and hence the same was also debited to the complainant's account.
- That the Respondent company had already revised the bill of the complainant by giving him a credit for the LPSC of Rs.9672 levied upto the month of July, 2008. All DVB arrears had also been credited to his account in the billing months of June 2008 and August 2008. However, the complainant did not make full payment of the revised bills.

iii) The Appellant stated before the CGRF that he had paid the bills upto 29.08.2005 on 05.10.2005 but the licensee did not waive off the LPSC of Rs.18,705/-, although they had agreed to do so. He also requested for testing of the accuracy of his meter which was showing much higher readings. The meter was tested on 12.05.2009 by the Respondent and as per the Meter Test Report the accuracy was found to be within the permissible limits. The CGRF in its order dated 19.05.2009, directed BYPL to revise the bill of the complainant by waiving off the LPSC till date, and also to extend the facility of paying the balance amount in three equal bi-monthly installments, along with the current dues.

Not satisfied with the CGRF's order, the Appellant has filed this appeal.


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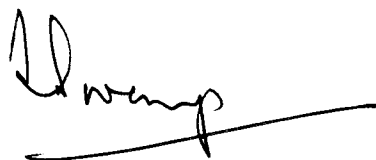
2.0 After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for the first hearing on 04.11.2009.

On 04.11.2009, the Appellant was present in person. The Respondent was present through Sh. Deepak Benjamin, DGM, Sh. Rajeev Ranjan, AM (Legal) and Sh. Vijender Sharma.

Both the parties argued their case and were heard. The Appellant reiterated the submissions already made in his appeal. He stated that the Respondent had been sending the bills at the wrong address i.e. 10/150 Geeta Colony, instead of at 10/50 Geeta Colony for years together, due to which his bill amount accumulated and LPSC was also levied. He stated that the correct revised bill had not been given to him so far, and whenever he approached the Respondent's office he was asked to make part payment. After hearing both the parties, the Respondent was directed to produce the detailed Statement of Account for the Appellant's connection showing the amount due, the payments made, and the arrears due for the following periods:-

- a) for the period prior to 01.07.2002
- b) for the period after 01.07.2002 upto May 2008
- c) for the period May 2008 upto October 2009.

The Appellant was also asked to produce the record of payments made by him for these periods. The case was fixed for further hearing on 12.11.2009.

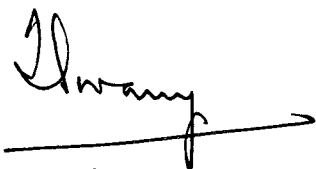

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- 2.1 On 12.11.2009, the Appellant was not present. The Respondent was present through Sh. M. K. Jha, Legal Officer, Sh. Devinder Kumar, Commercial Officer and Sh. Vijayendra Sharma, Asstt. Grade-II.

The Respondent produced the detailed month-wise statement of demand raised and payments made, which was taken on record. In the Statement of Account an amount of Rs.41,615 is reflected as the arrears payable in June 2002. Thereafter the Appellant had made a payment of Rs.10,000/- on 25.03.2004, Rs.5,000/- on 22.03.2004, Rs.20,000/- on 24.03.2005, Rs.5134/- on 07.07.2005, and Rs.5000/- on 20.08.2005, Rs.1350/- on 05.10.2005, Rs.5000/- on 19.11.2005. Thus the Appellant had made a total payment of Rs.52,084/- between 25.03.2004 and 19.11.2005.

The above payments appear to be part payments and not payments in full for clearing the revised bills. Based on this Statement it is seen that after adjusting the current demand for the period July 2002 to October 2005 amounting to Rs.22,636/- and the arrears, from the payments made, the balance payable amount comes to Rs.12,168/-, which pertains to the DVB period.

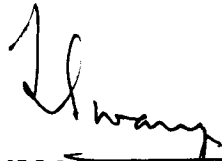
- 2.2 It is clear that after November 2005, the Appellant has not made any payment upto June 2008, when the orders for waiving off the arrears for the DVB period were issued by the Delhi Government. The Appellant had made further payments of Rs.7,000/- on 28.08.2008, Rs.7000/- on 15.07.2008 and Rs.11,710/- on 03.08.2009. The dues for the DVB period of Rs.12,168/- have been written off by the


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Respondent and no LPSC has also been levied by the Respondent. With these revisions the payable amount calculated upto the billing month of October 2009, including the current dues, is stated to be Rs.21,384.92 by the Respondent. This Statement of Account was sent to the Appellant for comments/ objections, if any, by 25.11.2009.

- 3.0 The Appellant attended this office on 26.11.1009 and the objections filed by him against the statement of account of the Respondent were examined. It was observed that the objections of the Appellant against the August 2005 bill, June 2008 bill April 2009 and June 2009 bills have force and need to be considered again by the BYPL. The Respondent after review has sent the revised statement of Account, after carrying out the necessary corrections on 01.12.2009. The net payable amount has now been worked out to Rs.17,659.52 upto the October 2009 bill, against the earlier amount of Rs.21,384.92. The revised bill amount of Rs.17,659.52 is found to be payable by the Appellant. This should be paid in two installments along with the current dues.
- 3.1 The Respondent is also directed to send regular bills at the correct address to the Appellant, to avoid any accumulation of arrears.
- 3.2 The CGRF-BYPL's orders dated 19.05.2009 are modified to the extent indicated above.

7th December 2009


(SUMAN SWARUP)
OMBUDSMAN