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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/2009/341

Appeal against Order dated 6.01.2009 passed by CGRF–NDPL in CG.No.CGRF/F-2/08-09/61.

In the matter of:

Shri Ratan Singh - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant The Appellant Shri Ratan Singh was attended in person


Respondent Shri Ajay Kalsi, AGM,
Shri K.L. Bhayana, Adviser and
Shri Vivek, Manager (Legal) attended on behalf of the
NDPL

Date of Hearing : 08.01.2010

Date of Order : 28.01.2010

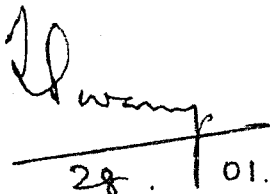
ORDER NO. OMBUDSMAN/2009/341

- 1.0 The Appellant, Shri Ratan Singh has filed this appeal against the CGRF-NDPL's order dated 06.01.2009 on the ground that the Respondent has wrongly charged him, with a case of dishonest abstraction of energy (DAE) and imposed a penalty of Rs.8,900/- He has prayed for refund of Rs.8,900/- with interest thereon, and compensation for harassment for wrongly charging him for DAE.


28.01.2010

1.1 The brief facts of the case as per records and averments of the parties are as under:

- a) The Appellant, has a connection with K. No.: 313001310885 at his premises, H. No. 120, Malik Pur, Delhi and had been paying his electricity bills regularly for the last thirty years.
- b) The Inspection Cell of the Respondent carried out an inspection at the premises of the Appellant, and on the basis of the Inspection Report dated 18.10.2006, issued a show-cause notice for DAE to the Appellant.
- c) The Respondent, after giving a personal hearing to the Appellant on 24.10.2006, passed a Speaking Order on 06.01.2007, conclusively establishing a case of DAE against the Appellant.
- d) The Respondent raised a final assessment bill of Rs.11,765/- for DAE. The Appellant, however, reached an out of court settlement on 03.02.2007, on payment of Rs.8,900/- (75% of the bill amount) and paid the same.
- e) The Appellant, however, continued to make representations to various authorities, including to the DERC. The Respondent vide letter dated 05.09.2007 informed the Appellant, that the case of DAE against him was dropped on 'merit' and the amount of Rs.8,900/- would be refunded to him in due course of time.

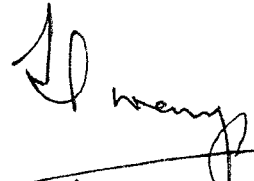

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- 1.2 The Appellant also filed a complaint before the CGRF-NDPL on 05.02.1009 for refund of the amount of Rs.8,900/-, with interest thereon, and sought compensation on the ground that he was wrongly booked in a DAE case and this had caused harassment to him for two years. The CGRF-NDPL, however, rejected the complaint on the ground that the DAE case could not be taken up by them under Regulation 8(1) of the DERC Regulations dated 11.3.2004.
- 1.3 The Appellant, not satisfied with the aforesaid order of the CGRF-NDPL dated 23.09.2009, has filed this appeal. After perusal of the records and after obtaining the requisite clarifications from the parties, the case was fixed for hearing on 8.1.2010.

At the hearing on 8.1.2010, the Appellant was present, in person. The Respondent were present through Shri K. L Bhayana (Advisor), Shri Vivek, Manager (Legal) and Shri Ajay Kalsi, AGM.

The Appellant stated that the Respondent had wrongly charged him with a case of DAE and harassed him for the last two years for no fault of his. He prayed for a refund of the amount wrongly assessed and paid by him, alongwith interest, and sought compensation for the harassment caused to him for two years.

The Respondent at the outset dropped their objection regarding jurisdiction of the Ombudsman to take up the matter, because it was admitted that this was not a case of DAE. The Respondent


28.01.2010

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further informed that the amount of Rs.8,900/- which was wrongly charged had been refunded to the Appellant on 20.4.2009.

- 2.0 From the statement of the Respondent it becomes evident that this is not a case of DAE, at all. It is a matter of concern as to how the DAE was dropped after issue of a show cause notice and a speaking order was also issued, conclusively establishing a case of DAE. Apparently, in this case the Appellant was charged with DAE in a casual manner, without application of mind to the facts and circumstances of the case. Secondly, it is not clear why the amount of Rs.8,900/- wrongly charged on 3.2.2007, was refunded after two years i.e. only on 20.4.2009.
- 3.0 To meet the interests of justice, the Respondent is directed to pay interest @ 6% per annum on Rs.8,900/- to the Appellant for the period 3.2.2007 to 20.4.2009, when the amount was retained by the Respondent. **Further, a compensation of Rs.5,000/- is also awarded to the Appellant for harassment caused to him for a period of two years, for no fault of his . The Respondent is also directed to put in place a proper system to prevent booking of consumers for theft/DAE without proper evidence and the establishing of a prima-facie case of theft/DAE.**

The appeal is accordingly disposed of. Compliance of this order may be reported within 21 days.

28th January 2010


(SUMAN SWARUP)
OMBUDSMAN