

43

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 – 110 057

(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2010/355

Appeal against Order dated 06.10.2009 passed by CGRF-BRPL in case no. C.G.No.248/2009.

In the matter of:

Smt. Angoori Devi

- Appellant

Versus

M/s BSES Rajdhani Power Ltd.

- Respondent

Present:-

Appellant The Appellant was present through her son Shri Ravi Garg

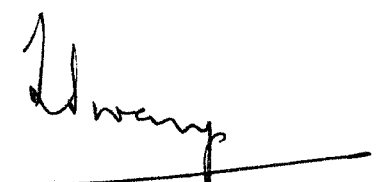
Respondent Shri Anand Tripathi, Business Manager, Dwarka attended on behalf of BRPL

Date of Hearing : 22.01.2010

Date of Order : 24.02.2010

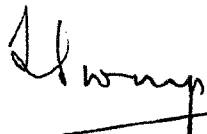
ORDER NO.: OMBUDSMAN/2010/355

1.0 The Appellant, Smt. Angoori Devi, resident of B-125/A, Vishwas Park, Uttam Nagar, New Delhi – 110059, has filed this appeal against the CGRF-BRPL 's order dated 16.10.2009 in CG No. 248/2009, praying for correction of her electricity bill for the month of July, 2009.


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

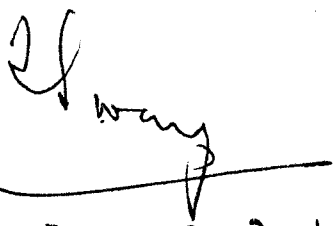
- a) The Appellant purchased the present premises from Shri Harvinder Singh on 19.04.2007. The premises had two electricity connections in the name of Shri Harvinder Singh viz; K. No. 2661W4020055 a domestic connection for 1 KW, and K. No. 2661W4020587 an industrial connection for 6 KW.
- b) The Appellant did not require the industrial electricity connection K. No. 2661W4020055, and therefore requested for its disconnection and made a payment of Rs.3,960/- for the electricity bill of March, 2007 vide receipt dated 20.04.2007. However the Respondent disconnected the electricity connection and removed the meter which was in a proper condition on 04.05.2007, and issued the meter disconnection receipt.
- c) The Respondent thereafter transferred a sum of Rs.13,165/- as arrears of the disconnected industrial electricity connection K. No. 2661W4020587 to the domestic connection K. No. 2661W4020055 in the bill for July, 2009 i.e. after a period of more than two years. The Appellant protested against the transfer of the arrears of Rs.13,165/-, as all electricity bills for the domestic connection were regularly paid. Moreover, the industrial electricity connection, was permanently disconnected on 04.05.2007, after making final payment of Rs.3,960/- towards the bill of March, 2007.


24.02.2010

d) The Respondent informed that the bill for Rs.3, 960/- in respect of the industrial connection, paid on 20.04.2007 was not the final bill. In fact, the bill for Rs.3,960/- was raised only for the month of March, 2007. The industrial connection was finally disconnected and the meter was removed on 04.05.2007. Subsequently on 19.05.2007, the final bill of Rs.13,165/- was generated and sent for payment.

2.0 The Appellant filed a complaint before the CGRF-BRPL and requested for the correction of the electricity bill No. 273068 for the month of July, 2009

- i) The CGRF, after taking into consideration the records and submissions made by both the parties, observed that there was an error in the calculation of the disputed bill because the meter was defective between 31.07.2006 and 04.05.2007. As such, the Respondent could claim arrears only for the period of six months out of the period when the meter remained defective, and not for the entire period i.e. 31.07.2006 to 04.05.2007.
- ii) The CGRF directed the Respondent to restrict the assessment for the meter defective period only to six months, by making the consumption for the period 18.07.2005 to 31.07.2006 as the basis, and directed to raise the bill accordingly, without levy of any LPSC charges.

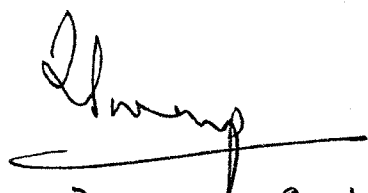

24.02.2010

3.0 The Appellant, being aggrieved by the order of the CGRF dated 16.10.2009, has filed this appeal on 20.11.2009, praying for rectification of the defective bill.

After perusal of the records and after obtaining the required clarifications from the parties, the first hearing of the case was fixed on 22.01.2010.

At the hearing on 22.01.2010, the Appellant was represented by her son Shri Ravi Garg. The Respondent was represented by Shri Anand Tripathi, Business Manager (Dwarka).

The Appellant stated that in the bill of July, 2009, arrears of Rs.13,165/- were wrongly transferred by the Respondent to the domestic electricity connection K. No. 2661W4020055. It was submitted that on 20.04.2007 an application for disconnection of the industrial electricity connection K. No. 2661W4020587 was given to the Respondent and subsequently, the connection was disconnected. He was given a receipt for Rs. 3,960/- being the dues, without indicating any arrears. Moreover, there was no further reading of the meter between the date of disconnection and the date of transfer of arrears. It was also pointed out that for two years i.e. between 20.04.2007 to July, 2009, the Respondent did not show any arrears in his bill. He stated that the Respondent did not also comply with the CGRF's order, because the Rs.3,960/- paid by him, were not reflected in the revised bill.


24.02.2010

The Appellant also submitted that the Respondent did not accept one-third amount of the bill as revised by the CGRF, as per mandatory requirement for filing an appeal, before the Ombudsman, causing a lot of harassment to him. He requested for compensation for the harassment. The Appellant also requested for refund of the security deposit for the industrial electricity connection already disconnected.

The Respondent clarified that there were two electricity connections in the premises viz; one for industrial use since 1999 of 6 KW, and the other for domestic use since 1983 of 1 KW. Both the meters were electro- mechanical meters. On the request for disconnection and after payment of Rs.3,960/- on 20.04.2007 by the Appellant, the industrial connection was disconnected and the meter was removed. The meter was however removed much later on 04.05.2007, at the last reading of 20538.

On enquiry about increase in the meter reading subsequent to the disconnection, the Respondent clarified that the same reading of '20538' was recorded from 31.07.2006 onwards, and as such bills for minimum charges were sent to the earlier consumer Shri Harvinder Singh, which were not paid till 20.04.2007. The Respondent could however not explain why these arrears were not recovered from Shri Harvinder Singh for over 8 months. Subsequently, the final bill was generated on 19.05.2007 and the same was sent to the previous owner Shri Harvinder Singh. The Respondent further clarified that there was no proof available that

Shravan
24.02.2010

the meter was actually out-of-order or that the bills were actually sent to the previous owner Shri Harvinder Singh.

The Respondent also informed that in November, 2007 the Appellant's request for change of name for the domestic connection K. No. 2661W4020055 was received, and the name change was allowed after following the required procedure, and without claiming any arrears for the industrial connection.

- 4.0 The Respondent submitted on 11.02.2010 a final statement of dues in respect of the industrial connection K. No. 2661W4020587, indicating that a net amount of Rs.8,331.72 was payable by the Appellant.
- 5.0 It is obvious from the records and the averments made by the parties that the Respondent neither raised any claim of arrears for two years, i.e. between April 2007 and July 2009, nor were such arrears continuously shown in the bills raised for electricity connection K. No. 2661W4020587. Moreover, the last reading of the meter finally removed on 04.05.2007 and the reading on 31.07.2006 were the same, showing there was no consumption during this period. There is also no proof that the meter was out of order and the bills for the arrears were sent to the previous owner, Shri Harvinder Singh. In the absence of any proof such as a Test Report, establishing that the meter for K.No. 2661W4020587, the industrial connection, was indeed out of order, the Respondent's

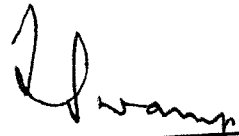
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24.02.2010

claim for arrears for the period of six months also, assuming the meter to be defective do not appear to be justified. I am therefore of the view that such arrears cannot be claimed at this belated stage, without proof that the meter was indeed out of order. It seems that there was no consumption during this period as the previous owner Shri Harvinder Singh was in the process of selling the property.

5.1 It is also clear from the records that the Respondent did not receive the mandatory one-third payment of the last bill which is a prerequisite for filing of the appeal, by the Appellant without the intervention of this Forum. As such, the Appellant has been unnecessarily harassed by the Respondent. **It will, therefore, be in the interest of justice if a compensation of Rs.1,000/- is awarded to the Appellant for the harassment and inconvenience caused to her.**

5.2 **The appeal is accordingly disposed of. Compliance of this order be reported within a period of 21 days from the date of this order.**

24th Feb 2010.


(Suman Swarup)
Ombudsman
24.02.2010