

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/2010/357

Appeal against Order dated 30.10.2009 passed by CGRF-BRPL in case no. C.G.No.65/2009.

In the matter of:

Shri Parvesh Kumar - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant The Appellant was attended alongwith his Advocates
 Shri Sanjeev Manchanda and Shri Naresh Kumar

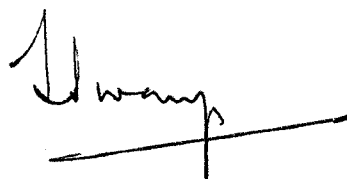
Respondent Shri Sumit Kumar, (DGM-B)
 Shri Maneesh Arora, (DGM-B)
 Shri J.K. Yadav, (DFO)
 Shri Sandeep Chauhan, (Sr. Mgr.- O&M)
 Shri Mukesh Chandra, (Sr. Mgr. – Enforcement)
 Shri Rajiv Ranjan, (Tech. Mgr.)
 Shri Ashok Bhadoriya, (Mgr. – KCC)
 Shri Rakesh Goel, (Asst. Mgr. – KCC) and
 Shri C.B. Sharma, (Legal Officer) all attended on behalf
 of BRPL

Date of Hearing : 31.03.2010, 21.04.2010, 14.05.2010

Date of Order : 23.07.2010

ORDER NO. OMBUDSMAN/2010/357

1.0 The Appellant, Shri Parvesh Kumar has filed this appeal against the order of the CGRF dated 30.10.2009, and has requested for



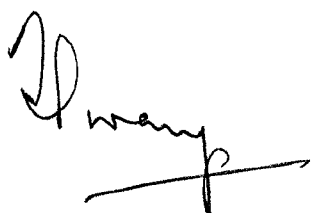
setting aside the aforesaid order and for revision of his electricity bills.

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

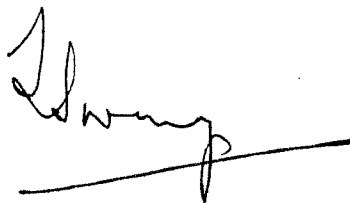
- (i) The Appellant is the registered owner of industrial connection K. No. 26310A080016 installed at the premises KH.-73, Village Ranhola, Mundka, Delhi – 110041 for the last twenty years.
- (ii) As per Appellant there was frequent burning of his electricity meters between June 2007 to May, 2009 as under:

Meter Burnt Date	Complaint filed Date	Meter Replaced Date	Delay (period)	Compensation claimed (Rs.)
26.06.2007	28.06.2007 & 23.08.2007	03.10.2007	3 months & 8 days	5,00,000.00
26.06.2008		18.11.2008	4 months & 27 days	5,00,000.00
20.03.2009		26.03.2009	6 days	
20.05.2009		26.05.2009		

- (iii) The Appellant visited the office of the Respondent for revision of the bills sent to him. However, the bills were not revised and he had to pay Rs.5,64,597/- (Rs.70,000/-, Rs.73,000/-, Rs.11,597/-, Rs.1,00,000/-, Rs.1,00,000/- and Rs.2,10,000/-) and another sum of Rs.1,57,550/- as advance on 25.03.2009, under pressure from the Respondent.



- 2.0 The Appellant had filed a complaint before the CGRF on 02.02.2009 for the redressal of his grievance. He stated that there was frequent burning of his meters and he prayed for revision of the electricity bills raised during the period when electricity supply was not available, and also sought compensation for Rs.10 lacs towards for cost of use of diesel for the generator used during the periods electricity supply was not available in the factory.
- 2.1 The Respondent clarified that the meters were deliberately burnt by the Appellant to avoid paying bills for the heavy consumption of electricity. Moreover, there were manipulations of the records in respect of the date [✓]filing of complaints. As per the records, the meter was defective from August/September 2007 till 03.10.2007 when the meter was changed.
- 2.2 The CGRF after perusal of the records and after hearing the arguments of both the parties, came to the conclusion that the delay in processing of the complaints is attributable to both the parties and therefore rejected the Appellant's prayer for award of compensation vide its order dated 30.10.2009. However, the CGRF allowed compensation of Rs.50/- for each day of delay in restoration of the electricity supply w.e.f. 20.03.2009 to 26.03.2009 and 20.05.2009 to 25.05.2009.

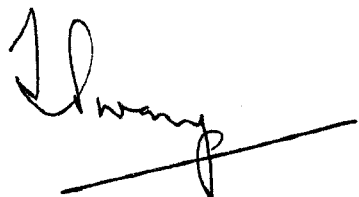


2.3 The Appellant not satisfied with the order of the CGRF dated 30.10.2009 has filed this appeal praying for setting aside the aforesaid order and for revision of his electricity bills during the period when electricity was not available due to burning of his meter.

3.0 After obtaining the required clarification from both the parties, the first hearing in the case was fixed on 31.03.2010.

On 31.03.2010, the Appellant was present through his advocate Shri Sanjeev Manchanda. The Respondent was present through Shri Sumit Kumar (DGM-B), Shri J.K.Yadav (DFO) and Shri Sandeep Chauhan (Sr. Mgr. -O&M).

The Appellant explained his case in detail about the frequent burning of his meter, delay in replacement and cost incurred by him on electricity generation during the period when electricity was not available in the factory. The Respondent on the other hand, clarified that the burning of meters was deliberate by the Appellant to avoid payment of heavy electricity charges. Moreover, the Appellant has not given the correct facts regarding the date of lodging the complaint i.e. the first complaint was lodged on 26.06.2007 but in respect of another meter installed in the name of his father in the same premises which had nothing to do with the disputed connection.

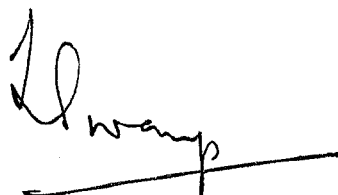


The Respondent was directed to submit the complete records about the complaints of burnt meters alongwith date, meter test report and statement of accounts of consumption from 2004 onwards in respect of the K. No. of the Respondent. The next date of hearing was fixed on 21.04.2010.

- 4.0 On 21.04.2010, the Appellant Shri Parvesh Kumar was present alongwith his advocate Shri Sanjeev Manchanda. The Respondent was present through Shri Maneesh Arora (DGM-B), Shri J.K.Yadav (DFO) and Shri Sandeep Chauhan (Sr. Mgr. -O&M), Shri Mukesh Chandra (Sr. Mgr. -Enforcement), Shri Rajiv Ranjan (Tech. Mgr.), Shri Ashok Bhadoriya (Mgr, -KCC), Shri Rakesh Goel (Asst. Mgr. -KCC) and Shri C B Sharma (Legal Officer).

During the hearing both the parties stated that they were negotiating a mutual settlement and a short date be given for submitting the mutual settlement. The request was accepted and the parties were allowed to file the mutual settlement by 03.05.2010.

The Respondent requested that directions be given to the Appellant to make payments of the current bills. The Appellant was directed to pay all current bills in respect of electricity consumed after 26.05.2009 when the meter was replaced and was functioning satisfactorily. The next hearing was fixed on 14.05.2010.

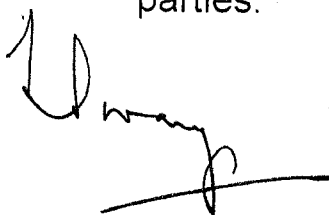


- 4.1 On 14.05.2010, the Appellant Shri Parvesh Kumar was present alongwith Shri Naresh Kumar. The Respondent was present through Shri Maneesh Arora (DGM-B), Shri Sandeep Chauhan (Sr. Mgr.) and Shri J.K. Yadav (DFO).

The Respondent submitted that a memorandum of settlement dated 27.04.2010 had been signed between the parties to settle the dispute. As the memorandum of settlement dated 27.04.2010 did not clearly set out the details of the amounts to be paid by the Appellant, the Respondent was directed to submit the complete details by 24.05.2010.

- 4.2 The Respondent vide letter dated 03.07.2010 has again submitted the settlement deed dated 03.07.2010 signed and executed on behalf of the Appellant by his brother Shri Praveen Kumar and on behalf of the Respondent by Shri Mukesh Arora, DGM (Business) on the following terms:


- i) That the consumer shall pay all the dues excluding LPSC, till date. The calculations shall be made on the basis of the available base period (i.e. 03/10/2007 to 21/06/2008).
- ii) The meter defective period has been taken from 21/06/2008 to 27/08/2008 i.e., till the date of disconnection as agreed between the parties. The detailed calculation sheet is attached. Copy of the same has been kept by both the parties.



- iii) That it has been agreed between the parties that any calculation in respect to the LPSC if found varied, can be adjusted in future bills.
- iv) Disputed demand was Rs.1,98,239.58 & settled demand is Rs.1,02,804.24. Net payable up to the bill of June 2010 is Rs.1,46,605.85.
- v) That no dispute in respect to the calculation of units shall be raised by any of the parties in future. All the Litigation in respect to the above mentioned CRN No. shall stand settled and the parties shall withdraw their cases if any pending in the court of law.
- vi) that both the parties have agreed to sign the deed of settlement without any force or pressure. "

The aforesaid settlement deed dated 03.07.2010 has been taken on record and the case is disposed of as mutually settled in terms of the settlement deed dated 03.07.2010, which shall form part of this order.

23rd July 2010


(SUMAN SWARUP)
OMBUDSMAN