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**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/05/39

Dated: 29<sup>th</sup> November, 2005

**Appeal No. F. ELECT/Ombudsman/2005-06/39**

Appeal against Order dated 17.5.2005 passed by CGRF – BRPL on Case No.: CG/423/2004.

**In the matter of:** Shri Sukh Pal - Appellant

**Versus**

M/s BRPL - Respondent

**Present:-**

**Appellant** Shri Ravinder, son of the appellant


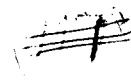
**Respondent** Shri S.C.Sharma -Addl. General Manager (South),  
Shri Hemant Kumar - Business Manager (D)-KHP,  
Col. R. Tandon - OSD (Enforcement) and  
Shri Sitaram - Manager (Enf.) of BRPL

Date of Hearing : 24.11.2005

Date of Order : 29.11.2005

**ORDER NO. OMBUDSMAN/2005/39**

The appeal is filed on 1<sup>st</sup> August, 2005 against the CGRF order dated 17<sup>th</sup> May, 2005. Appellant's request for condoning the delay in filing the appeal has been accepted after considering the reasons for delay.

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The Appellant is a resident of 463, Nai Basti, Devli, New Delhi-110062 having electricity connection bearing K. No. 2510N4570681. In his appeal he has stated that on 4<sup>th</sup> January, 2004 he received notice of disconnection, as an amount of Rs. 7341/- was due from him. The bill was for domestic category whereas his sanctioned connection was for commercial NX category. Therefore, the appellant after getting the bill amended paid of Rs. 11,418/- on 20<sup>th</sup> January, 2004. Despite this payment, his electric supply was disconnected on 16<sup>th</sup> February, 2004. On 17<sup>th</sup> February 2004 he applied for reconnection of the supply which had been wrongly disconnected. Consequent to the above application, it is stated by the appellant that supply was restored by the staff of BRPL from Khanpur Complaint Centre.

On 9<sup>th</sup> March, 2004 a case of direct theft was made against the appellant and a bill of Rs. 58,338/- was raised. On 17<sup>th</sup> March, 2004 the appellant paid an amount of Rs. 30,000/- supposedly by way of settlement and under threat that a FIR would be lodged against him if payment was not made within due date. But even after he paid Rs. 30,000/- his supply was not reconnected. He was asked to pay Rs. 60/- as reconnection charges which were also paid on 18<sup>th</sup> March, 2004.

Further he was also made to pay Rs. 500/- as security deposit and Rs. 60/- as checking charges (which were deposited) on 4<sup>th</sup> April, 2004. Despite the payment of Rs. 30,000/- on 17<sup>th</sup> March, 2004 and Rs. 620/- by 4<sup>th</sup> April, 2004, his electric supply was restored only on 6<sup>th</sup> July 2004 through a new meter after a period of more than 3 months.

The appellant filed a complaint with CGRF – BRPL for providing a correct bill instead of wrong bill received on 13<sup>th</sup> August, 2004 and for DAE/FAE case. The CGRF vide its order dated 18<sup>th</sup> May, 2005 noted that the supply was wrongly disconnected and that no satisfactory explanation was given by the Business Manager for wrong disconnection. CGRF also ordered a token compensation of Rs.500/- to be paid to the appellant for suffering mental agony for disconnection despite having paid the electric dues. It is against this order of the CGRF that the appellant has filed the appeal.

On receipt of the appeal, record of the case was called for from CGRF on 10<sup>th</sup> August, 2005 followed by reminder dt. 24<sup>th</sup> August, 2005. Records were finally received on 22<sup>nd</sup> September, 2005.

After study of the facts of the case as stated in the appeal and the CGRF records of the case, a letter was issued on 26<sup>th</sup> September, 2005 to the DISCOM for comments / clarification on 5 points. Since no information was received,

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reminder dated 13<sup>th</sup> October, 2005, was sent for information to be submitted latest by 25<sup>th</sup> October, 2005. When the said information was still not received a 2<sup>nd</sup> reminder was sent on 2<sup>nd</sup> November, 2005. Finally, 3<sup>rd</sup> reminder was sent on 16<sup>th</sup> November 2005 asking for the information as required in the letter dated 26.9.2005. It was also stated in this letter that information called for was not provided, the matter would be decided on the basis of material available on record. The case was fixed for hearing on 24<sup>th</sup> November, 2005.

On 24<sup>th</sup> November, 2005 Shri Hemant Verma, Business Manager, Shri S.C. Sharma, Additional General Manager, Col. R.Tandon, OSD, Enforcement (BRPL) and Shri Sitaram, Manager Enforcement attended on behalf of Respondent company. Shri Ravinder, son of appellant attended.

After 55 days of seeking the information, a reply was received on 21<sup>st</sup> November, 2005 on some of the issues from Ms. Renu Antony, Addl. Manager Customer Care. In the said letter she stated that the electricity connection of the appellant was disconnected on 16<sup>th</sup> February, 2004 against outstanding dues of Rs. 7704/-. As against this statement of Ms Antony, the records of CGRF and Ombudsman office show a payment of Rs. 11,418/- on the basis of corrected bill for Rs. 11,418/- as against the original bill of Rs. 7704/-. The payment of Rs.11,418/- is made on 20<sup>th</sup> January, 2004 whereas the disconnection took place on 16<sup>th</sup> February, 2004 i.e. after the payment of the said bill. **Therefore, the statement of Ms Antony is not correct.** During the course of hearing Shri S.C. Sharma, Additional General Manager and Shri Hemant Verma, Business Manager also admitted that the appellant's supply was disconnected when there were no outstanding dues against him and that the disconnection was made without verification.

It was further admitted that no action was taken by the officials of the DISCOM to reconnect his electricity supply even when he made an application dated 17<sup>th</sup> February, 2004 for reconnection. Ultimately his electricity supply was restored only in July 2004. As per appellant's version the supply was reconnected (perhaps illegally) by an official of the complaint centre of the Discom. The fact is that the appellant though received the bill of Rs. 7341/- on the basis of domestic tariff rates, on his own initiative got the bill corrected to commercial tariff rates and paid it immediately. This action of the appellant shows his bonafides and should have been appreciated.

But on 9<sup>th</sup> March, a theft case was made against the appellant and a bill of Rs.58,338/- was raised by booking him for theft for six months. He ultimately paid Rs.30,000/- by way of settlement, under the threat that if not paid FIR will be lodged against him. The appellant contends that even after he paid Rs.30,000/-

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on 17<sup>th</sup> March, 2004 his supply was connected only on 6<sup>th</sup> July, 2004 (after more than 3 months). The amount of Rs.58,338/- was raised on the basis of booking him for theft for six months even though it is admitted by the Enforcement officials that the theft was detected (on 9<sup>th</sup> March and he could be booked for only 22 days i.e. 16<sup>th</sup> February – 9<sup>th</sup> March) for 22 days. The Officials present at the time of hearing conceded that injustice had been done to the Appellant and that he should be charged only for 22 days and not six months. They also conceded that reconnection charges, installation charges, service charges have been wrongly charged and will be refunded. However, the delay of over 3 months in restoring electric connection to him still remain unexplained.

1. For this serious lapse of delay of over 3 months the DISCOM is liable for penalty which will be imposed by DERC in addition to the penalty already proposed by CGRF – BRPL vide letter dt. 29<sup>th</sup> July, 2005.

2. It is ordered that tariff for 22 days will be applicable as per tariff provisions of the DERC. The total amount refundable will carry an interest (at the rate which is levied by DISCOM for late payment of bills) from the date of payment till the date of refund. The theft bill for 22 days, as calculated by the Discom is determined at Rs.7127/- (calculation submitted on 29.11.05) against Rs.30000/- paid by the appellant and Rs.58,338/- raised earlier. **The excess amount of Rs.22873/- + interest thereon as mentioned above is refundable to the appellant within 10 days of this order. Compliance to be intimated to this office.**

3. CGRF has ordered compensation of Rs.500/- for the mental agony caused to the Appellant for disconnecting his electricity supply despite payment of bill. The harassment caused to the appellant was immense not only for i) wrong disconnection of his electricity supply, ii) considerable delay in restoration (of supply) despite payment of all dues but also iii) handing him a hefty bill of Rs.58,338/- which was wrong. Evidently in the face of above injustice, a token compensation of Rs.500/- does not meet the ends of justice. **Accordingly, it is ordered that a compensation of Rs.2,000/- be paid to the Appellant for the avoidable injustice caused to him by irresponsible officials of the respondent company.**

4. In her reply dt. 10<sup>th</sup> November, 2005 Ms. Renu Antony stated that the direct theft bill was settled amicably and the amount was deposited by the appellant without any objection and therefore **direct theft bill can not be revised.**

During the hearing of the case, the **Enforcement officials admitted the lapses of the DISCOM officials in raising the wrong bill. They also admitted that the bill was to be raised only for 22 days and not 6 months.**

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The above narration of events shows total lack of sensitivity on the part of the DISCOM officials and the harassment caused to a law abiding citizen whose action should be appreciated in getting the bill corrected to a higher figure on his own initiative and making the payment on the same day. Instead of appreciating his action, he was meted with harsh treatment by booking him for theft for 6 months and was made to pay reconnection charges, installation charges, service charges and Rs. 30,000/- under the name of settlement (for which there is no provision in the Electricity Act) and under threat of FIR to be lodged against him.

The DERC may like to consider the harsh treatment meted out to the appellant while imposing the penalty on the DISCOM.

The CGRF-BRPL erred in ignoring and not examining the raising of wrong bill of Rs.58,338/- by the respondent company. The Discom has now calculated that an amount of Rs.7127/- is payable as "theft" bill for 22 days against Rs.58,338/- raised earlier. This was a serious issue which was ignored by CGRF.

In the result, the CGRF order is set aside.

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**(Asha Mehra)**  
**Ombudsman**