

127 (20)

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/05/41

Dated: 22nd September, 2005

Appeal No. F. ELECT/Ombudsman/2005-06/41

Appeal against Order dated 4.5.2005 passed by CGRF – NDPL on CG No.: 0282/03/05/SMB.

In the matter of: Smt. Bharti - Appellant

Versus

 M/s NDPL - Respondent

Present:-

Appellant Mrs. Bharti, appellant

Respondent Shri Suraj Das Guru, Legal Advisor,
 Shri Tabish Zubair, Retainer (Legal) and
 Shri Pramod Kumar, Asstt. Accounts, Shalimar of NDPL

Date of Hearing : 20.09.2005
Date of Order : 22.09.2005

ORDER NO. OMBUDSMAN/2005/41

The appellant is a consumer in respect of electricity connection bearing K. No.45300144024 installed at Khasra No. 5/24-1/37, Village Sahipur, Delhi. The premises was tenanted and electricity was consumed by the tenant. The tenant had not made payment of bills issued from time to time. The disputes relates to the period 18.11.2003 to 24.03.2005. It is stated in the appeal that on 24.3.2005, the reading of the meter was 1587 and the reading as on 18.11.2003 was 447 units.

19

According to the appellant the tenant consumed electricity to the tune of 1140 units and the appellant paid an amount of Rs.20640/- under protest.

The appellant made a complaint before the CGRF-NDPL which passed an order dated 4.5.2005 giving relief of Rs.3595/- by way of late payment surcharge. It is against this order that the appellant has come to the Office of the Electricity Ombudsman.

An appeal was filed by the appellant on 8.8.2005 which is beyond the stipulated period of 30 days from the date of the CGRF order. The appellant has prayed for condonation of delay in filing the case since he came to know about the institution of the Office of Electricity Ombudsman only on 28.7.2005.

Considering that the Office of Electricity Ombudsman has started functioning very recently and the appellant was unaware of this institution the delay in filing the appeal is condoned.

After calling for records from the CGRF and obtaining details as required from the Discom, the case was fixed for hearing on 20.9.2005.

Shri Suraj Das Guru, Legal Advisor, Shri Tabish Zubair, Retainer (Legal) and Shri Pramod Kumar, Asstt. Accounts, Shalimar attended on behalf of the respondent company. Shri Mohan Das husband of Smt. Bharti, the appellant attended on her behalf.

In response to the queries raised by the Electricity Ombudsman, the respondent company has stated that the above connection of Mrs. Bharti bearing K. No. 45300144024 had a sanctioned load of 1 KV for Industrial Light (IL) purpose. The respondent company issued a regular bill to the tune of Rs.14728/- for the period 19.9.2003 to 18.11.2003. It is stated that the appellant has not been paying his bills since long, therefore, the arrear amount and LPSC on the arrears has accumulated.

According to the respondent company, the reading on 24.3.2005 was 1587 units and on 18.11.2003 it was 1140 units. Therefore, the total consumption of electricity during the disputed period (18.11.2003 to 24.3.2005) is only 447 units and not 1140 units as submitted by the appellant. The cost of electricity supply for 447 units works out to Rs.2656/-.

The respondent company informed that the appellant's contention that domestic tariff is applicable to his connection is incorrect because the sanctioned load for above connection shows "IL" type. He also clarified that the bill for Rs.20640/- is based on actual reading for which detailed calculations are submitted. The working of the demand of Rs.20640/- as submitted by the respondent company is as follows:

S.No.	Heads	Amount in Rupees
1	Arrears	14728.00
2	Current Demand	2656.00
3	Arrear LPSC	3257.00
4.	Current LPSC	0.00
	Total	20641.00

The above calculation shows that the demand for the disputed period from 18.11.2003 to 24.3.2005 is only 2656/-. No LPSC is leviable on the disputed amount. However, there are arrears of Rs.14728/- which are not disputed. Undisputed arrears of Rs.14728/- will attract late payment surcharge. Therefore, it is ordered that the late payment surcharge on Rs.14728/- (which works out to Rs.2870.53p) may be charged upto 2.4.2005 when the appellant paid Rs.20640/- although under protest.

As already held above, I agree with CGRF order that no LPSC is chargeable on the demand raised during disputed period, and, therefore, the LPSC waived in CGRF order of Rs.3595/- is in order.

However, as I have already held in the preceding para that LPSC of Rs.2870/53 p is leviable on the undisputed arrears of Rs.14728/- the appellant is due for a credit of Rs.725.00 (Rs.3595.00 – Rs.2870.00) only.

The appellant being a registered consumer is liable to pay all electricity dues even when the electricity was used by his tenant. In the net result the appellant is due for a credit of Rs.725/- and not Rs.3595/- as was ordered by the CGRF.

The order of CGRF is set aside.

अशा मेहरा
(Asha Mehra)
Ombudsman