

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/2011/425

Appeal against the CGRF–NDPL's letters No.: F.6(i)/CGRF/NDPL/11-12/4104 dated 15.04.2011 and CGRF/F-2/11/4169 dated 25.04.2011

In the matter of:

Shri Ankur Sharma

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant

The Appellant, Shri Ankur Sharma was present alongwith Shri Mukul Dhawan, Advocate.

Respondent

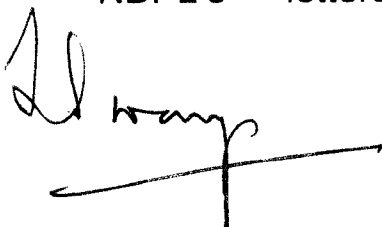
Shri K.L. Bhayana, Advisor,
Shri Ajay Kalsi, Company Secretary,
Shri Surender Khurana, HOG(R&C),
Shri Vivek, Sr. Manager (Legal), and
Shri Ramesh P Yadav, Retainer (Legal) attended on behalf of the Respondent

Date of Hearing : 10.08.2011, 07.09.2011, 14.09.2011,
28.09.2011, 11.11.2011

Date of Order : 16.11.2011

ORDER NO. OMBUDSMAN/2011/425

1.0 The Appellant, Shri Ankur Sharma, S/o Shri O. P. Sharma, R/o 166-E, Kamla Nagar, Delhi – 110007, has filed this appeal through his advocate Shri Mukul Dhawan, against the CGRF-NDPL's letters No.F.6(i)/CGRF/NDPL/11-12/4104 dated

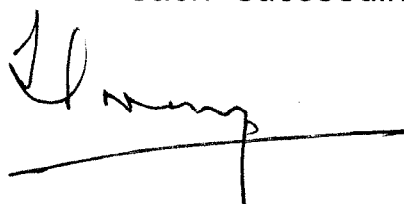


15.04.2011, and CGRF/F-2/11/4169 dated 25.04.2011 respectively issued by the Secretary, CGRF-NDPL. The CGRF held that since the matter was already pending before the Chief Metropolitan Magistrate, Rohini Courts, the same complaint could not be admitted in the CGRF-NDPL as per Regulation-7 (iii) of Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations 2003, regarding the alleged wrong bill on account of arrears from 08.08.2006 to 30.07.2010 alongwith levy of LPSC, for electricity connection bearing K. No.35500120364U, with a sanctioned load of 8 KW for domestic purpose.

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

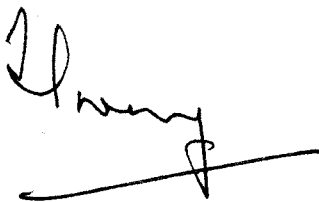
2.1 The NDPL raised a bill of Rs.4,09,592.46 for the month of November, 2009 issued on 12.03.2010 to the Appellant. He approached the Mega Lok Adalat organized by the NDPL and the Hon'ble Delhi High Court Legal Services Committee of the Hon'ble High Court. Before the Mega Lok Adalat, it was mutually agreed as under vide Order dated 14.03.2010:

"1) That the applicant/consumer shall pay total settled amount of Rs.3,20,000/- as full and final payment against total outstanding amount of Rs.4,09,592/-. The said settled amount will be deposited by the petitioner in installments, the amount Rs.80,000/- be paid on or before 31.03.2010 and the remaining amount in Twelve (12) installment(s) shall be paid by the petitioner on or before 30th day of each succeeding month. The present settlement has



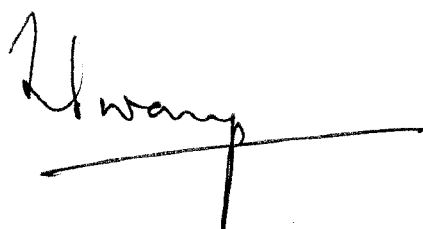
been done under special circumstances as the petitioner is a chronic heart patient.

- 2) It is agreed that on the applicant/consumer after deposit of the amount of the first installment/settled amount, and subject to completion of commercial formalities and payment/clearance of electricity consumption dues, if any.
 - a) New connection shall be processed within 7 days and/or
 - b) The supply shall be restored within 7 days.
- 3) It is also agreed that in case petitioner/defaults in making the said payment, he shall be liable to make the payment of full amount alongwith LPSC upto the date of payment of the impugned bill forthwith.
- 4) The petitioner has settled this dispute out of his own free will and without any force or coercion.
- 5) The petitioner under takes to withdraw the case pending in any court/forum, if any.
- 6) The settlement does not include any unsettled NTA amount, Escaped demand & default E.M.I. amount/any assessment pending/any bill revision pending, if any.
- 7) The settlement amount of normal billing dispute/ outstanding dues of disconnected connection does not include settlement of the dues of Enforcement bill, if any.
- 8) Petitioner undertakes that he has not settled this dispute earlier before any court/forum/Lok Adalat/ in the office of



NDPL in case of any settlement found later on, the higher amount shall be considered for the purpose of settlement.”

- 2.2 The Appellant also approached the Permanent Lok Adalat-II, and the PLA-II vide their Order dated 01.09.2011 decided that “the petitioner would continue to make payment of his installments due under order of settlement dated 14.03.2010 of Mega Lok Adalat in the High Court and order dated 16.08.2010 by this Court. The electricity should not be disconnected till the next date. In the meantime, the Respondent would check up the meter of the petitioner whether the meter is running fast.” The matter was fixed for further hearing on 20.09.2010. On 20.09.2010, it was observed by the PLA-II vide their Order dated 21.09.2010 that “the case involved highly disputed question of facts and could not be resolved by this Court and the Appellant was at liberty to move any appropriate Court/Forum for redressal of his grievance”.
- 2.3 A bill of Rs.3,71,649.64 for the month of September, 2010, was received by the Appellant on account of arrears from 08.08.2006 to 30.07.2010, including LPSC. He filed a complaint before the CGRF-NDPL on 05.04.2011 against the raising of the impugned, rounded of demand of Rs.3,71,640/- by the NDPL.
- 2.4 The CGRF-NDPL decided vide their letters dated 15.04.2011 & 25.04.2011 respectively that the matter was already pending before the Chief Metropolitan Magistrate, Rohini Court, and the same could not be admitted by the CGRF-NDPL.

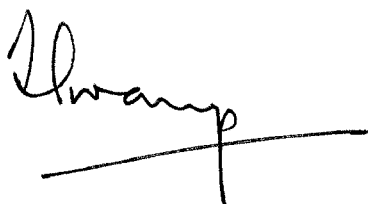


2.5 The Appellant, not satisfied with the above decision of the CGRF-NDPL, has filed this appeal on 02.05.2011 and has prayed:

- a) To restore the electricity supply to the Appellant's premises at 166-E, Kamla Nagar, Delhi -110 007 against K. No. 35500120364.
- b) Direct the Respondent to have the meter tested through an independent laboratory/agency as directed vide order dated 30.08.2010 of the learned Permanent Lok Adalat – II.
- c) Stay the impugned demand of Rs.3,71,640/- raised alongwith arrears and LPSC till the disposal of the appeal

After receipt of the CGRF-NDPL's records and the para-wise comments from the Discom, the case was fixed for hearing on 10.08.2011.

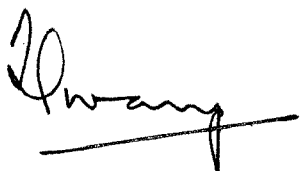
3.0 On 10.08.2011, the Appellant, Shri Ankur Sharma, was present alongwith Shri Mukul Dhawan, Advocate. The Respondent was represented by Sh. K.L. Bhayana (Advisor), Shri Vivek Singh (Senior Manager-Legal), Shri Ajay Kalsi (Company Secretary), and Shri Surender Khurana – HOG (R & C). Both the parties argued their case. The Appellant stated that he had paid four installments upto July, 2010 as per the Mega Lok Adalat's Order. The cheque deposited on 30.08.2010 was, however, not accepted by the Respondent, and further installments were not paid. The Respondents on the other hand argued that there was a history of dishonoured cheques being presented by the



Appellant. However, regarding the cheque presented in August 2010 information as to whether it was presented and dishonoured or returned was not available. Both the parties after arguments agreed that the dispute can be resolved as the Appellant was willing to pay the balance eight installments as per the Mega Lok Adalat's Order alongwith LPSC. After hearing both the parties, it was decided that since the parties have agreed to the above arrangement, the Appellant should pay the remaining eight installments alongwith LPSC from 01.09.2010 till the date of payment. The last date for payment was 15.09.2011. Thereafter, the supply would be restored and action to withdraw the cases pending before the Chief Metropolitan Magistrate at Rohini would be taken with respect to the earlier dishonoured cheques.

3.1 Pursuant to the mutual agreement during the hearing, it was requested by the Appellant through his advocate for appropriate directions to the Discoms to restore the supply as he had deposited the amount of Rs.1,82,800/- as per the direction of the Ombudsman. However, the Manager (Legal) informed telephonically that the Appellant's connection was dormant, and the consumer was also liable to pay the balance dues, and accordingly, as per the Order of the Permanent Lok Adalat, a bill of Rs.2,97,539.36, including the amount of Rs.1,82,800/- had been raised.

3.2 Keeping in view the facts of the case, on 26.08.2011, since Rs.1,82,800/- had been paid on 23.08.2011, it was decided that the supply be restored and the hearing be preponed to the first



week of September, 2011. The NDPL was also asked to recheck the calculations for the dues. The case was fixed for hearing on 07.09.2011.

3.3 On 07.09.2011, both the parties argued their case. The Respondent confirmed that the total amount as per the settlement before the Mega Lok Adalat i.e. Rs.3,20,000/- + Rs.22,800/- as interest, had been received by them. The amount due for the period after 22.11.2009 was still payable. This would be worked out within a week for the period upto 03.09.2010, when the supply was disconnected. The current dues would also be worked out, and the details produced. Meanwhile, it was decided that the supply be restored immediately. The case was fixed for further hearing on 14.09.2011.

3.4 On 14.09.2011, both the parties were present. The Respondent confirmed that the supply had been reconnected and the reading was taken on 13.09.2011 alongwith a photograph. They required sometime to calculate the remaining dues. The case was fixed for further hearing on 28.09.2011.

3.5 On 28.09.2011, the Respondent stated that the remaining dues as on 13.09.2011 worked out to Rs.1,44,201.58 as per the meter readings (inclusive of LPSC). The Appellant requested for:

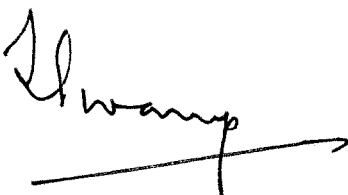
- a) Payment of this amount in three installments.
- b) Waiver of LPSC of about Rs.24,000/-.
- c) Testing of the meter.



The Respondents were asked to recover the dues in three installments, i.e. by 05.10.2011, 01.11.2011, and the installment for LPSC on 01.12.2011. Meanwhile, the meter was to be tested within one month, i.e. by 31.10.2011. The cost of meter testing was to be borne by the Appellant, in case the meter was found to be in order. The issue of levy of LPSC was to be reviewed after receipt of the meter testing report, if required. The case was fixed for further hearing on 11.11.2011

3.6 On 11.11.2011, the Appellant, Shri Ankur Sharma, was present in person. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek Singh – Senior Manager (Legal). Both the parties argued their case. The Respondent stated that the team from ERDA had visited the Appellant's premises on 12.10.2011, and a notice was pasted for testing of the meter upto 14.10.2011. The meter testing could not be carried out due to the Appellant's absence. Under the circumstances, the appeal was reserved for orders, without waiting for any further time for the Third Party Testing of meter. The Respondent informed that the two installments due in October and November, 2011 had been paid by the Appellant. The third installment consisting of LPSC was to be paid by 05.12.2011 (i.e. for dues upto 13.09.2011).

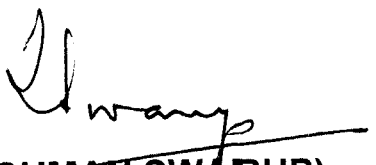
4.0 From the facts on record, it is seen after payment of two installments due in October & November, 2011, only the third installment is payable by 05.12.2011. This would clear all dues of the Appellant, and settle the issue of pending dues. Despite efforts by the Respondent, the Appellant has not co-operated in



Third Party Test of his meter. No further consideration of this matter is required at this stage, since all dues as per the meter readings have been accepted, and paid by the Appellant.

- 5.0 The appeal is disposed of accordingly. The Compliance Report may be submitted by 12.12.2011, i.e. after payment of the last installment by the Appellant.

16th November 2011


(SUMAN SWARUP)
OMBUDSMAN