

9/

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/2011/427

Appeal against Order dated 26.04.2011 passed by CGRF-BYPL in complaint No.29/02/2011.

In the matter of:

Smt. Geeta Rani - Appellant

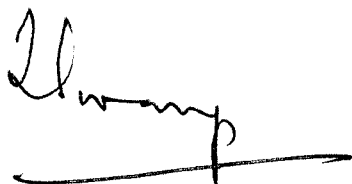
Versus

M/s BSES Yamuna Power Ltd. - Respondent


Date of Order : 05.08.2011

ORDER NO.: OMBUDSMAN/2011/427

- 1.0 The Appellant, Smt. Geeta Rani, has filed this appeal against the order of the CGRF-BYPL No. 29/02/11 dated 26.04.2011, requesting for withdrawal of the misuse charges in her electricity bill.
- 2.0 The brief facts of the case as per the records are as under:
- 2.1 The Appellant has an electricity connection K. No.1260V1510055 for non-domestic use at her premises G3/21, Sunder Nagari, Delhi-110093.

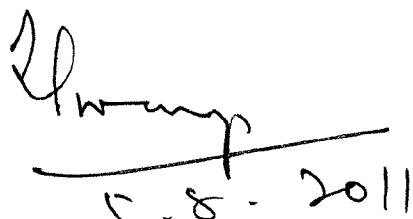

5.8.2011

- 2.2 The Enforcement Office of the Respondent, BSES-BYPL, inspected the premises of the Appellant on 29.08.2007 and found that the electricity supply through the aforesaid connection was being used for industrial purposes. As such, misuse charges were levied in the Appellant's electricity bill dated 13.09.2007, under section 126 of the Electricity Act.
- 2.3 The Appellant has alleged that the Respondent issued a show-cause notice against misuse of the electricity connection to another person named Shri Raj Pal Singh. As such, the Appellant was not give an opportunity to present her case and to raise objections against the levy of misuse charges.
- 2.4 The Appellant approached the Respondent for withdrawal of the misuse charges and also requested other authorities vide her letter dated 15.11.2007 for relief, but did not receive any positive response. The Respondent did not also accept her application for the inspection of her meter on the ground that dues were pending against her connection.
- 3.0 The Appellant filed a complaint before the CGRF-BYPL praying for withdrawal of the misuse charges levied w.e.f. 13.12.2007.
- 3.1 The Respondent clarified before the CGRF that their inspection team visited the Appellant's premises on 12.12.2006 and found that the aforesaid electricity connection was being used for industrial purposes. The Respondent, therefore, levied the


5.8.2011

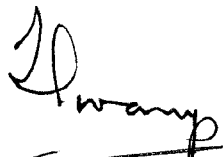
misuse charges after following the required procedure laid down under Section 126 of the Electricity Act.

- 3.2 The CGRF-BYPL, after considering the records and the arguments of the parties decided that the case pertained to misuse of electricity, and therefore, did not fall under its jurisdiction. As such, the CGRF-BYPL directed that the Appellant should approach the appropriate Forum for redressal of her grievance.
- 4.0 The Appellant filed her appeal in this office against this order of the CGRF-BYPL dated 26.04.2011, for withdrawal of misuse charges.
- 4.1 The Appellant subsequently informed vide her letter dated 14.07.2011 that the Respondent had rectified her bill of Rs. 2,50,620/- and revised it to Rs. 16,890/-, and that she was now satisfied with the revised bill.
- 4.2 The Respondent subsequently filed a letter dated 26.07.2011 alongwith a deed of settlement reached between the parties. According to the deed of settlement, the Respondent has agreed to revise the disputed bill on the basis of domestic tariff, with effect from 13.12.2007, and also to waive off the LPSC charges. The Appellant, being satisfied with the revised bill, has made the payment and enclosed a copy of the payment receipt.


5.8.2011

5.0 As the parties have reached a mutual settlement and the grievance of the Appellant has been resolved, the appeal is disposed of in terms of the above settlement deed dated 26.07.2011.

5th August 2011


(SUMAN SWARUP)
OMBUDSMAN