

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/2012/463

Appeal against the Order dated 03.11.2011 passed by CGRF-TPDDL
CG.No. 3619/07/11/SKN.

In the matter of:

Shri Rewti Kant Ojha - Appellant

Versus

**M/s Tata Power Delhi - Respondent
Distribution Ltd.**

Present:-

**Appellant: Shri Jagat Singh, Advocate was attended on behalf of
the Appellant**

**Respondent: Shri Vivek, Sr. Manager, Legal and Shri Amit Singh,
Accounts Executive, both are attended on behalf of
the TPDDL**

Date of Hearing 31.10. 2012, 29.11.2012

Date of Order : 06.12.2012

ORDER NO. OMBUDSMAN/2012/463

Shri Rewti Kant Ojha, the Appellant, had filed an appeal on 11.01.2012 against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Ltd. (CGRF-TPDDL)'s order dated 03.11.2011 concerning a connection existing at 401, Shahzada Bagh, Delhi, contending that payments already made by them to the M/s Tata Power

Delhi Distribution Ltd. (DISCOM) against bill raised for K. No.: 35300132626 are adequate for the purpose of meeting the bill raised. The CGRF, it is contended, had failed to take into account the payments made and had passed orders that the Appellant had defaulted and had not made payment of the bill for the actual energy consumed. The matter was taken up for hearing and a stay was granted on 20.01.2012. The DISCOM was asked for a Statement of Accounts duly audited for the disputed period by 09.03.2012, and the case came up for hearing on 11.07.2012, when the lawyer for the Appellant asked for an adjournment which was granted and the case was fixed on 31.10.2012.

Hearing was held on 31.10.2012, and both parties claimed that billing is being done properly, money is being paid and that the issue is one of reconciling accounts. Both parties invoked the assistance of the Ombudsman's office for this purpose, and the Secretary of this office was asked to carry out the reconciliation on 19.11.2012 at 3.00 P.M. following which both sides were to file a joint reply, if a settlement took place, failing which the case would be re-fixed for orders. The DISCOM sought an adjournment on 19.11.2012, after which a hearing was fixed on 29.11.2012 for filing a joint reply before the Ombudsman. In the hearing on 29.11.2012, no joint reply was filed, and both sides

mentioned that no discussions between the two had taken place as yet. The DISCOM had, meanwhile, sent a letter on 16.11.2012 with billing details which appear to show a balance of Rs.3.00 lakhs, or so, due as on date against the above K. No. 35300132626, in the name of Mohammad Salim, whose tenant Shri Rewti Kant Ojha appeared to be.

Both sides again confirmed, during the hearing, that bills are being submitted and some payments are being made. A figure of Rs.1,99,751/- mentioned in the bill details sent by the DISCOM above is also seen in the appeal memo filed by Shri Rewti Kant Ojha, wherein he mentions that a total payment of Rs.1,99,858/- has been made. It appears from the bill details submitted by the DISCOM that some payments have been made even after January 2012 although the DISCOM claims that the full amount has not been paid.

The issue before us at the moment is regarding the outstanding dues of Rs.1,04,778/- as on December 2005, which the CGRF had found were due and required to be paid. From the billing details given by the DISCOM on 16.11.2012, it is seen that after the passing of the CGRF's order in November 2011, the Appellant has been paying different sums of money every month which would, over the last ten months or so,

amount to more than Rs.1,04,778/-, the amount said to be due in November 2011.

In the statement furnished by the DISCOM, an amount of Rs.1,04,770/- is shown as arrears on 20.01.2007 for which installments were given. In February 2007, this amount is shown as having been defaulted upon and had been again added to the Bill. However, after February 2007, the different payments made by the Appellant would definitely add up to more than the disputed amount of Rs.1,04,770/-. It may be the case that subsequently due amounts may not have been paid by the Appellant, but that is a matter to be separately resolved between the Appellant and the DISCOM. Such further dues are not the subject matter of this appeal.

Insofar as the present appeal of the Appellant is concerned he appears to have paid an amount more than Rs.1, 04,770/- since the passing of the CGRF order and the filing of the appeal. Hence, the CGRF order has been complied with.

There appear to be residual issues relating to billing and payments which both sides need to resolve. The office of the Ombudsman had offered to both the parties its offices to resolve their further accounting

issues through mutual settlement but this offer has not been availed of and, hence, the appeal is now disposed off. Either party is free to proceed further as per their legal rights.


(PRADEEP SINGH)
OMBUDSMAN

6/12/12

