

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/2012/469

Appeal against Order dated 30.12.2011 passed by CGRF-BYPL in complaint No.244/09/11.

In the matter of:

Shri Partho Bhattacharya & - Appellant

M/s Anjalika Information

System & Technology Pvt. Ltd.

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant The Appellant was represented by Shri R.N. Chakraborty, Director, M/s Anjalika Information System Technology Pvt. Ltd. & Shri Alok Gupta

Respondent Shri Ashutosh Tripathi, Business Manager, Shri Ajoy Das, S.O. (A) and Shri Ravinder Singh Bisht AG-II, attended on behalf of the Respondent.

Date of hearing : 14.03.2012

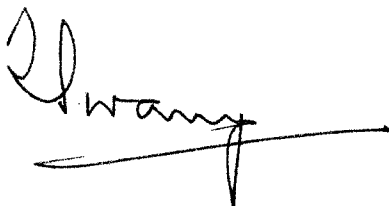
Date of Order : 19.03.2012

ORDER NO.: OMBUDSMAN/2012/469

- 1.0 The Appellant, Shri Partho Bhattacharya, and Director of M/s Anjalika Information System & Technology Pvt. Ltd. have filed this appeal against the order of the CGRF-BYPL dated 30.12.2011 in Complaint No.244/09/11 requesting for compensation for mental pain, agony business losses and reputation suffered by them at the hands of the Respondent.

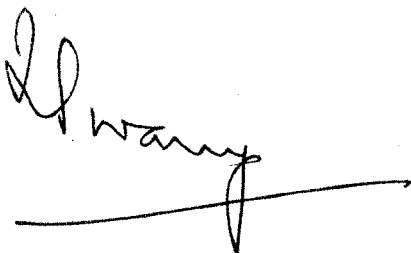


- 2.0 The brief facts and background of the case as per the records is as under:
- 2.1 The Appellant, Shri Partho Bhattacharya, the registered consumer of non-domestic electricity connection K. No. 1230 O0224 0311 with a sanctioned load of 10 KW, installed at DA-9, Second Floor, Main Vikas Marg, Shakarpur, Delhi – 110 092, filed a complaint before the CGRF-BYPL that the DISCOM had without prior notice, converted him as ECS (Electronic Clearing Service) user and without their consent ~~and~~ amounts of Rs.5760/- on 12.03.2011 and Rs.35,660/- on 09.09.2011 were debited to their account maintained with the Syndicate Bank, Asaf Ali Road, New Delhi. They had requested for refund of Rs.41,420/- alongwith 18% interest per annum.
- 2.2 The complainant stated before the Forum that the Respondent had taken payment thrice against a bill of Rs.5,760/- (on 12.03.2011 vide cheque no. 771731 drawn on ICICI bank, and on 12.03.2011 & 09.09.2011 through ECS), for the month of March 2011. The Respondent, had again taken an amount of Rs.14,070/- twice, i.e. on 20.08.2011 by cheque, and on 26.08.2011 (before reconnection of the electricity connection), in cash, as the connection was disconnected on 20.08.2011.
- 2.3 The Appellant also stated that after vacation of the entire premises in August 2008 by M/s Anjalika Information System & Technology Pvt. Ltd., the ECS facility from their account was discontinued since 31.07.2008, and further payments since



August 2008 were being made through cheque, and the ECS facility was in disuse.

- 2.4 The CGRF, after hearing both the parties, decided that insisting for payment of Rs.21,590/-, which amount is shown to be due by 12.09.2011, as a condition for reconnecting the supply, is not in tune with Regulation 51 – of the DERC Supply Code 2007. Regulation 51 requires that “The Licensee shall reconnect the consumers installation within two days of payment of past dues, reconnection charges and service line charges, as applicable, for that category of consumer if the same has been removed by the Licensee at the time of disconnection.....”. Further, it was informed that reconnection charges were collected on 26.08.2011, and reconnection finally done on 01.09.2011. Thus, there is undue delay of a few days in reconnection, when referring to Regulation 51 of the DERC Supply Code 2007, which has affected badly the complainant. The CGRF- BYPL awarded a compensation of Rs.2,000/- to M/s Anjalika Information System & Technology Pvt. Ltd. on account of undue harassment caused to them due to unauthorized and unwarranted activation and withdrawal of Rs.5,760/- on 12.03.2011 and Rs.35,660/- on 09.09.2011 from their ECS account, and Rs.2,000/- to Shri Partho Bhattacharya on account of unnecessary harassment caused to him due to double payment of Rs.5,760/- under duress in March 2011, and payment of Rs.21,590/- on 26.08.2011, before due date, and delay in reconnection of the supply till 01.09.2011.



2.4 The Appellant, aggrieved by the CGRF-BYPL's order dated 30.12.2011, has filed this appeal praying for compensation of Rs.2,00,000/- as well as damages/litigation charges.

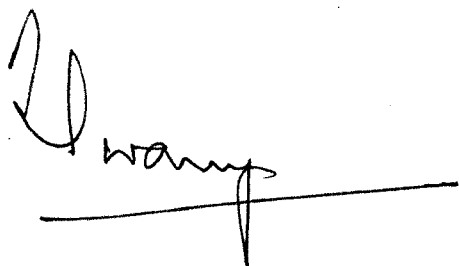
3.0 After receipt of the CGRF-BYPL's records and the para-wise comments from the Discom, the case was fixed for hearing on 14.03.2012.

On 14.03.2012, the Appellant, was represented by Shri R.N. Chakraborty, Director, M/s Anjalika Information System & Technology Pvt. Ltd. and Shri Alok Gupta. The Respondent was represented by Shri Ashutosh Tripathi, Business Manager, Shri Ajoy Das, S.O. (A), and Shri Ravinder Singh Bisht – AG-II, BYPL. Both the parties argued their case at length.

3.1 The Appellant, stated that triple payment was made in March 2011, and received by the Respondent. Again a bill for the month of July was paid twice, once through cheque and also through ECS. The supply of his electricity connection was disconnected on 20.08.2011, and they remained without electricity for one and half months.

3.2 The Respondent admitted the receipt of payment for the March bill twice, and also of the July bill. The supply was disconnected on 20.08.2011, and restored on 01.09.2011, after receipt of payment on 24.08.2011.

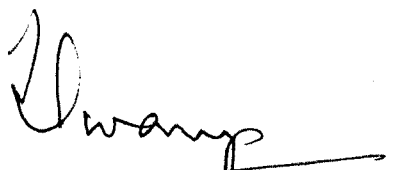
4.0 After hearing both the parties it is decided that:



- a) The Respondent will pay interest at bank rate to the Appellant Shri Partho Bhattacharya for the periods 15.03.2011 to 29.04.2011 and 23.08.2011 to 20.09.2011, as the DISCOM unauthorizedly retained the double payments for these periods.
- b) In addition, compensation be given to the Appellant, Shri Partho Bhattacharya, the registered consumer, for delay in reconnection @ Rs.500/- per day for the period 24.08.2011 to 31.08.2011.
- c) Further, an additional compensation of Rs.3,000/- is also awarded to the Appellant for meeting the cost of litigation.
- d) The Respondent shall adjust Rs.4,000/- from the above payment on account of compensation earlier awarded by the CGRF, both to the Appellant, and his company M/s Anjalika Information System & Technology Pvt. Ltd. The latter is not the registered consumer, and no compensation is payable to the Company.

5.0 The appeal is disposed of accordingly. The Compliance Report of this order may be submitted within 21 days.

19th March 2012


(SUMAN SWARUP)
OMBUDSMAN

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