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OFFICE OF THE ELECTRICITY OMBUDSMAN
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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(Phone No.: 39506011 Fax No.26141205)

Appeal No. Electricity Ombudsman/2005/52

Appeal against Order dated 11.10.2005 passed by CGRF – NDPL on CG No.: 0461/08/05/PPR.

In the matter of:

Shri V.K.Handa
(Through Shri B.S.Dhingra)

- Appellant

Versus

M/s NDPL

- Respondent

Present:-

Appellant

Shri B.S.Dhingra

Respondent

Shri Suraj Das Guru, Legal Advisor,
Shri O.P.Arora, Commercial Manager and
Shri Banamali Pradhan, HOG(Billing) Pritam Pura of
NDPL

Date of Hearing : 03.01.2006

Date of Order : 17.01.2006

ORDER NO. OMBUDSMAN/2006/52

The appellant is Shri B.S. Dhingra, resident of 43, Ground Floor, Rajdhani Enclave, Pitampura, New Delhi. The electric meter (K. No. 34301124445) installed at the above residence of Shri B.S.Dhingra is in the name of Shri V.K. Handa, who was the original allottee of the said premises. The appellant has filed a representation before CGRF-NDPL. As he could not get the relief prayed for, he filed an appeal before the Electricity Ombudsman.

Records of the CGRF were called for. Comments/clarifications were also sought from the appellant and the respondent. After scrutiny of all the above documents, the case was fixed for hearing on 3rd January, 2006.

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Shri B.S.Dhinga attended the hearing, in person.

Shri Suraj Das Guru, Legal Advisor, Shri O.P.Arora, Commercial Manager and Shri Banamali Pradhan, HOG(Billing) Pitam Pura - NDPL attended the hearing.

During the hearing, appellant stated that he had purchased the present property on 6.11.2003 and till then actual reading based consumption bills were issued and paid by him. No arrears were shown in all these bills.

Thereafter, upto March 2005, bi-monthly bills were issued to the appellant and he paid them regularly. These bills had the caption "Provisional", but were based on actual consumption of units. The units consumed as per previous reading and the units consumed as per current reading were indicated in these bills. Hence, these could not be termed "provisional". Also no arrears were shown in these bills. In this background, when the appellant received a bill in May 2005 which contained the arrears w.e.f. 22.12.2002, the appellant was shocked. The appellant stated that he approached the respondent a number of times with verbal as well as written requests to remove the word "provisional" printed on the bills as reading based bills were being issued and paid regularly by him. There were no arrears. Copy of one such letter dated 26.4.04 written by him to the Discom was produced along with acknowledgement of the respondent.

Respondent stated that consumer's meter was replaced on 21.12.2002 at reading 5588. Prior to meter replacement, reading based bills were issued upto 21.11.02 with reading 4960 and were paid by the consumer. Thus, $(5588-4960) = 628$ units were yet to be charged. After 21.12.2002, provisional bills were issued for 4 billing cycles upto 16.7.2003 (22.1.2003, 13.3.2003, 17.5.2003 and 16.7.2003) for 676 units provisionally charged in each bill even though readings were taken and were on record as indicated in the statement of accounts. Reading on 16.7.2003 was 7100 units. After 16.7.2003, reading based bills with "provisional" remarks were issued upto 15.3.05 which were also paid regularly. In the next bill of May, 2005, the bill contained units yet to be charged for the period 21.11.02 to 22.12.02 and for the difference of actual consumption and provisional units charged from 21.12.02 to 16.7.03.

Respondent was asked, as per regulation 12(4) of DERC Performance Standards (Metering and Billing) Regulations, 2002, provisional billing shall not be done for more than one billing cycle. Further, as per regulation 42, in case provisional billing continues for more than 2 billing cycles, penalty of Rs.500/- per such bill shall be payable by the licensee.

Respondent officials could not submit reasons for issuing provisional bills for 14 number billing cycles. Respondent officials stated that after replacement of meter on 22.12.02, provisional bills were issued upto 16.7.2003 as meter replacement particulars were not available. Respondent was asked when reading based bills were issued after 16.7.03, then why supplementary bill for old demand was not raised simultaneously, the action which they took after 2 years on 19.5.05. No satisfactory reply was given by the respondent for such deficiency in service. Penalty of Rs.7000/- is payable by the Discom for issuing provisional bills for 14 billing cycles. The amount of Rs.7000/- is directed to be deposited with DERC towards penalty imposed as above.

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Appellant further informed that whenever he went to respondent's office for removal of word "provisional" printed on the bills, he was given rude behaviour as if he is not a customer but a beggar. Ombudsman advised respondent officials to maintain good relations with their customers.

As per section 56(2) of Electricity Act 2003, no sum due from any consumer, under this section, shall be recoverable after a period of 2 years from the date when such sum became first due unless such sum has been shown continuously as recoverable arrears of charges of electricity supplied. The respondent stated that pending demand can be raised at any time and period of two years is not relevant in this case. There is no substance in the contention of the respondent. Section 56(2) of Electricity Act 2003 is very clear. The intention behind section 56(2) is to limit the issue of pending demand to 2 years as licensee cannot be allowed to raise demand after 2 years from the time when it became due.

In view of the above, it is ordered that respondent shall not recover energy charges for the period beyond 2 years from the date such charges first became due unless such charges have been continuously shown as arrears. The demand was raised on 19.5.2005, as such recoverable amount shall not be beyond 2 years from 19.5.03. Thus, respondent can raise demand from May 2003 to May 2005 and not for the period prior to that.

The appellant purchased the present property on 6.11.2003. But the arrears pertaining to the period 19.5.2003 to 6.11.2003 are also payable by him as the electricity has been consumed. It is for him to recover the arrears from the earlier consumer/seller (for which there seems to be an agreement between both of them). The electrical energy has been consumed and must be paid for.

Calculations in this regard have been submitted by the Respondent. These calculations show a refund of Rs.5193.52p to the appellant. The respondent is directed to adjust the refund of Rs.5193.52p in the next bill of the appellant. The appellant is directed to complete the formalities in regard to change in name of the electrical connection from that of Shri V.K.Handa to his own name.

The order of the CGRF-NDPL is set-aside.

अशा मेहरा
(Asha Mehra)
Ombudsman

Dated: 17.1.2006