

**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/2013/539**

Appeal against the Order dated 03.12.2012 passed by CGRF–BYPL in Complaint No.221/09/12.

In the matter of:

Shri Bhopal Singh Jain

- Appellant

Versus

M/s BSES- Yamuna Power Ltd.

- Respondent

Present:-

Appellant: Shri Bhopal Singh Jain was present in person.

Respondent: Shri Ravinder Singh Bisht, Nodal Officer, attended on behalf of the BYPL

Date of Hearing: 17.04.2013

Date of Order : 23.04.2013

**ORDER NO. OMBUDSMAN/2013/539**

This appeal has been preferred by the consumer, Sh. Bhopal Singh Jain, against the order of the CGRF dated 03.12.2012 in which his contention regarding refund of bank charges etc. was not considered by the CGRF.

The complainant has filed his case before the CGRF stating that his wife Smt. Madhu Jain who is the registered consumer of CRN No. 1110004207, had received a bill amounting to Rs.11240/- with a due date 21.07.2012. She had issued a cheque for the same amount on 21.07.2012 in favour of M/s BYPL against the CA No. 100284084 and also mentioned the account number. According to her, the banker of the Discom i.e. Axis Bank did wrong stamping on the cheques on the column of account number, due to which the account number was not visible. The

Axis Bank returned the cheques to the Discom without presenting it to Syndicate Bank even though adequate funds were available in the account.

The Discom has filed its reply before CGRF stating that the cheque was not credited to them and was returned by Axis Bank with a reason no 40 reading "Present with Documents".

The CGRF passed an order to the effect that the Discom had agreed to withdraw LPSC and cheque bouncing charges on the amount.

Now the complainant filed the present appeal in which she has reasserted her views stating the CGRF did not impose any penalty on BYPL for harassment to the consumer. She requested for penalty against the Discom.

The Discom has opposed the appeal in which it had reasserted its contention, as before the CGRF, added that it had no control over the functioning of the bank and its action was justified.

A hearing was held on 17.04.2013 and both the parties were heard. The actual cheque was seen which had not been presented to Syndicate Bank due to the procedures of inter-bank payments. Discom was asked why they did not query their bankers over return of cheques without presentation for payment. It is clear the Appellant was not at fault. The Appellant wants compensation for the harassment this caused him. In the circumstances of the case Rs.1,000/- is an appropriate compensation as the cheque issued was correct and the Discom bank never presented the cheques to the Appellant's Bank. Accordingly the case is disposed of.

  
(PRADEEP SINGH)  
Ombudsman

23rd

April, 2013