

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/2006/59

Appeal against Order dated 29.11.2005 passed by CGRF – BYPL on Complaint No.: CG-305/09/2005.

In the matter of:

Shri Suresh Kumar

- Appellant

Versus

M/s BSES Yamuna Power Ltd

- Respondent

Present:-

Appellant

Shri Deepak Kumar, son of the appellant
 Shri S.K.Goel, Advocate of the Appellant

Respondent

Shri Shoba Ram Deo, Business Manager
 Shri G.S.Bisht, AFO, Krishna Nagar
 Shri Rarry Mangsatabam, Advocate of BSES- Yamuna Power Ltd.

Date of Hearing : 25.05.2006

Date of Order : 13.06.2006

ORDER NO. OMBUDSMAN/2006/59

The appellant has an electric meter K.No. 122020080191 installed at H. No. 4, Brijpuri Extension, Gali No. 10, Parwana Road, Delhi.

Appellant has filed this appeal against the orders of CGRF-BYPL dt.29.11.2005 passed in the Complaint No.CG-305/09/2005. Appellant has

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prayed in the complaint before CGRF that all the demand of Rs. 161693.36 added for the first time in the bill for the month of May'05 be withdrawn as the said amount actually relates to the period of June'02, as such this amount is not recoverable from the appellant as per Sec.56(2) of Electricity Act'03. Since no relief was allowed by CGRF-BYPL, Appellant filed this appeal before Ombudsman.

After examining the case records called from CGRF, contents of the appeal filed by the Appellant and the reply submitted by respondent the case was fixed for hearing on 25.05.2006.

Shri Deepak Kumar, son of the appellant and Shri S.K.Goel, Advocate attended the hearing on behalf of the appellant. Shri Shoba Ram Deo, Business Manager, Shri G.S.Bisht, AFO- Krishna Nagar and Mr. Rarry Mangsatbam, Advocate attended the hearing on behalf of the Respondent company

Based on the records and arguments presented by both the parties the factual position emerged as under.

In April'02 respondent raised a bill for Rs.341780/- which contained arrears on account of assessment and MG difference for connected load of 17.15 kw. Against above bill Appellant filed a complaint before CDRF(East). Orders dated 27.03.03 were passed to revise the bill on the basis of 8 kw load enhanced on 2.2.01 by applying relevant tariff and no LPSC be levied.

Respondent revised the earlier demand as per CDRF orders and a refund of Rs.1,85,390/- was worked out to be given to the Appellant. But by mistake/wrong entry, a credit of Rs.347075 was given on 06.09.03 instead of Rs.185390/-. It is stated by the Respondent that it was detected during audit that an amount of Rs.161684/- (Rs.3,47,075 – Rs.1,85,390) has been refunded in excess due to an error. The excess refunded amount was debited to the Appellant in the month of May'05.

In support of his contention Appellant submitted the copies of judgments passed by Himachal Pradesh and Chhattisgarh State Consumer Disputes Redressal Commission. Perusal of said judgments, shows that these have no bearing on the facts of the case under consideration.

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The issue in this case relates to a pure mistake apparent from record while implementing the orders of CDRF dt.27.03.03. In fact ,Appellant should have brought the above mistake of allowing excess credit in the notice of Respondent to set right the records.

Therefore, Sec.56(2) of Electricity Act'03 does not apply here, as demand was not raised for the first time but the earlier demand was revised as per orders of CDRF (East) and excess refund was given on 6.9.2003.

In view of above, the appeal is rejected.

31/2/11 2/8/11
(Asha Mehra)
Ombudsman