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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/2014/606

Appeal against the Order dated 16.12.2013 passed by the CGRF–
TPDDL in CG.No.5537/10/13/MGP.

In the matter of:

Ms. Raj Bai - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Kshitij Sharda, advocate, attended on behalf of the
Appellant.

Respondent: Shri Vivek, Sr. Manager (Legal) and Shri Gauran Sharma,
Asst. Officer, attended on behalf of the TPDDL.

Date of Hearing : 25.02.2014, 02.04.2014

Date of Order : 30.04.2014

FINAL ORDER NO. OMBUDSMAN/2014/606

This appeal has been preferred by the Complainant Smt. Rajbai, R/o House No.491, Block C 8, Sultanpuri, New Dehi – 110041 against the order of the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) in which her request for declaring the demand of bill for 51694 units after a gap of 7 years as time-barred was declined.

The Complainant had preferred her case before the CGRF stating that the DISCOM had not issued electricity bills for the period 2006-2013 i.e. approx.

7 years vide CA No.60014095131 in the name of "Krishna". Therefore, the demand is time-barred in view of Section 56 (i) & (ii) of the Electricity Act, 2003. The same facts had been reiterated by her in the present appeal in this office.

The TPDDL (DISCOM) had opposed the appeal stating that the bill was raised late, for the period 29.03.2006 to 23.05.2013 (for reading 01 to 51694 units). The due date for payment of bill was 24.06.2013. The DISCOM had raised another question of alleged illegal restoration of electricity supply by the Complainant which is countered by the Complainant by stating the connection was never removed or disconnected. In any case this office is not concerned with illegal restoration/non-restoration by the Complainant and, hence, no findings are being given on this point. Further, this point arose after the impugned order was passed by the CGRF and the DISCOM is always at liberty to take appropriate action under the Law.

There was also a Writ Petition No.5617/2013 filed by the Complainant before the Hon'ble High court in which the High Court asked the Complainant to approach the CGRF to take an appropriate view vide its order dated 06.09.2013, in which disconnection was prohibited.

Both the parties were heard. The issues arising out of the order of the CGRF were two in number. One related to the finding of the CGRF that the bill raised for the period 29.03.2006 to 23.05.2013 is an escaped demand and can be billed after 7 years with the same being payable by the Complainant. The second is an issue that the Respondent (DISCOM) is bound to raise the bill of each billing cycle based on actual meter readings for which time limits have been prescribed.


Regarding the first issue the order of the CGRF is found to be adequately detailed and the reasons advanced by them that there is no time

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limit for raising the bills are correct as is the finding that once a bill is raised it is recoverable within a period of two years. This aspect of the judgement of the CGRF is concurred in.

However, the contention of the Complainant that he should have received regular bills, on a timely basis, is a valid one. The DISCOM is required to ensure regular issue of bills. However this is circumscribed by the requirement of Clause 44 (iv) of the DERC Supply Code and Performance Standards Regulations, 2007, where the Consumer shall approach the licensee, in case of non-receipt of bills, to furnish duplicate bills immediately. Given the long duration over which these bills were not received, the conclusion is obvious that the Consumer also did not carry out his duties under the Supply Code. Hence, he cannot now claim a deficiency of service.

In the circumstances, I do not find any merit in the claim of the Complainant and uphold the order of the CGRF that the amount of Rs.2,36,865/- is payable. However, given the size of the amount it would be appropriate that this be recovered in six bi-monthly installments from the date on which the next bill is payable. No LPSC shall be charged on the billing for the period uptill 23.05.2013. In case of default/non-payment of any installment, the DISCOM shall be free to recover the whole remaining amount in a lump sum alongwith LPSC for the delay after billing of the concerned amount. A separate invoice shall be raised for the purpose of paying these installments.


(PRADEEP SINGH)
Ombudsman


_____, April, 2014

