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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.: 39506011 Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2006/64

Appeal against Orders dated 12.12.2005 & 20.1.2006 passed by CGRF – NDPL
on CG No.: 0478/09/05/SKN.

In the matter of: Mr. Ashok Kumar Sanoriya - Appellant

Versus

M/s NDPL - Respondent

Present:-

Appellant Shri Ashok Kumar Sanoriya

Respondent

Shri Sunil Singh, District Manager - Shakti Nagar,
Mrs. Nirja Ahuja, Legal Retainer and
Shri Reetesh Singh, Advocate of NDPL

Date of Hearing : 12.05.2006
Date of Order : 18.05.2006

ORDER NO.: OMBUDSMAN/2006/64

The appellant has an electric meter K.No. 35300548915 in his shop in the name of Liberty Dry Cleaners, as the shop was previously in the tenancy of Liberty Dry Cleaners. The appellant is carrying on the business of trading/selling inverters. The appellant noticed that the meter installed in the said premises was very fast. Also he had not been receiving bills of electricity since 2001. It is stated that he visited the Discom Office several times to complain in this regard but without success. Ultimately he gave a legal notice to the Discom for not sending bills for the electricity supplied to him. After receipt of the legal notice, the officials of the Discom

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visited the premises of the appellant for taking reading and sent a bill for huge amount of Rs.89094/= from 30-03-01 to 28-05-05.

The appellant filed a complaint before the CGRF objecting to the huge demand and indicated that at the most they could raise bills for a period of three years. The CGRF after hearing both parties passed an order dated 12.12.2005 holding that the appellant should be charged from May 2002 to May 2005. Regular reading had been taken but DVB/NDPL had failed to raise demand regularly. It held that the reading on 21.5.02 was 4990 and that on 28.5.2005 it was 17423. The demand was therefore ordered to be raised on 12433 units only, (17423-4990). The CGRF further ordered no LPSC should be charged on this amount. It also gave twelve equal monthly installments for the arrears raised in this demand to be paid along with current bills as per electricity actually consumed. The case got complicated as before the appellant received the revised bills consequent to the order of the CGRF, the officials of the Discom came to the premises of the appellant and disconnected his supply. The revised bill was received by the appellant on 22.12.05 and the first installment was due to be paid only by 4-01-06. The appellant prayed to the CGRF for initiating contempt proceedings against the Discom and asked for damages and cost in his favour.

The CGRF directed NDPL to restore electricity supply to the appellant but the latter did not agree to the restoration .

The CGRF after giving further hearing for contempt proceedings desired by the appellant passed order dated 20-01-06 holding that a disconnection notice issued to the consumer on 28-06-05 and duly received by the consumer had remained unreplied by the appellant. The CGRF pointed out that NDPL and their personnel tendered an apology for the mistake of disconnection since it was a result of lack of communication between the different officers of the NDPL and not a willful act.

Not satisfied with the above order, the appellant filed an appeal before the Ombudsman;

- (i) stating his inability to pay the demand in 12 equal monthly installments and that he will be able to pay Rs.250/- per month as he is a poor person and cannot pay more than that.
- (ii) He also complained that the electricity unit amounting to 12433 units for three years has been wrongly calculated and the rate per unit is different in the above three years. The correct tariff applicable to the year under consideration should be charged.
- (iii) He further stated that his electricity supply was disconnected on 22.12.2005 for non-payment even though he had not received the revised bills consequent to the CGRF order. The order of CGRF was shown to the employees of the Discom yet they disconnected his supply.

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He also stated in his complaint that since the meter was found very fast on inspection by the Discom, his electricity was disconnected and to suppress the fact of fast running meter the meter was removed from the premises.

At the time of hearing in the Court of Ombudsman, the appellant agreed that he did not allow re-connection of supply when the NDPL officials came for reconnection because he was under the impression that this would adversely affect the contempt proceedings against NDPL.

After calling for records from CGRF-NDPL and examination of the contents of the appeal, the case was fixed for hearing on 12.5.2006. Shri Sunil Singh, District Manager- Shakti Nagar, Mrs. Nirja Ahuja, Legal Retainer and Shri Reetesh Singh, Advocate attended the hearing on behalf of the Respondent company. Shri Ashok Kumar Sanoriya, the appellant attended, in person.

During the course of hearing, the facts were repeated in brief and it emerged that no bill in fact had been sent to the appellant since march 2001. The appellant's complaint before CGRF emphasized that presently he could not be billed for more than three years. The CGRF accordingly accepted his contention and ordered that bills be raised for 12433 units from May 2002 to May 2005. Since the CGRF agreed with the prayer of the appellant we see no reason to interfere on this account. We therefore, agree with the CGRF on this issue.

Regarding the appellant's prayer for correct tariff rates, the officials of the NDPL, Shri Sunil Singh and Mrs. Nirja Ahuja are asked to prepare the bills on the basis of actual readings available upto 26.11.03, and, thereafter average of actual reading taken on 28.5.05 and apply the appropriate tariff applicable for each year and submit revised calculation of payable dues by 17.5.2006.

The appellant vehemently prayed for some compensation for harassment meted out to him by the NDPL. He made several visits to the office of the NDPL to obtain the bills because it would be difficult for him to pay if they accumulated. Since he did not succeed in getting the bills he had to engage the services of a lawyer for which he incurred cost and only after serving of legal notice the NDPL was activated and issued a consolidated bill.

There is no doubt that the appellant has suffered mental harassment on account of above facts and a small trader such as the appellant had to incur the cost for engaging services of lawyer for failure of the Respondent Company to raise bills regularly for so many years. A compensation of Rs.1000/=, appears adequate and is accordingly allowed to the appellant.

On the question of fast meter apprehended by the appellant he was asked whether any written complaint was made to the NDPL and whether he deposited the "meter testing fee" as required under DERC guidelines. He could not produce any evidence of a written complaint made in this regard and also stated that he had not paid "meter testing fee" for inspection of the meter. Therefore, it is evident that the

appellant did not follow the prescribed procedure for testing the meter, as such he has lost any claim on this issue.

As per Revised calculations submitted by NDPL on 17.5.2006, total dues payable are as under:-

Amount in Rupees		
Amount payable w.e.f.	21.05.02 to 28.05.05	65528.00
Amount payable w.e.f.	28.05.05 to 21.11.05	9553.00
Amount payable w.e.f.	21.11.05 to 22.12.05	1876.00
		76957.00
Amount payable w.e.f.	21.01.06 to 16.05.06	2838.00
	Total	79795.00
Only payment made on 4.2.06		26000.00
Net amount payable		53795.00

Regarding his prayer of not being able to pay the entire arrears in 12 equal monthly installments, after discussions with both the parties it was decided that the appellant be allowed to make payment of monthly installment of Rs.2000/- towards arrears in addition to his current bills with effect from May 2006.

The CGRF order is set-aside to the extent mentioned above.

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(Asha Mehra)
Ombudsman