

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/2014/668

Appeal against the Order dated 28.07.2014 passed by CGRF-BRPL in CG.No.693/2013.

In the matter of:

Shri Chandan Singh

Appellant

Versus

BSES Rajdhani Power Ltd.

Respondent

Date of Order: 21.11.2014

ORDER NO. OMBUDSMAN/2014/668

This was appeal filed by Shri Chandan Singh, R/o A-1/101, Madhu Vihar, Dwarka, New Delhi – 110059 against the CGRF-BRPL order dated 28.07.2014 in which they had declined to hear his complaint regarding billing issues arising out of a meter said to be not working. Discom is said to have filed a false meter tempering case against him. The Forum concluded it had no jurisdiction to entertain the complaint because the matter was said to be pending before the Public Grievances Commission with the proceedings going on and, hence, the complaint could not be heard in two Forums.

The consumer had argued in the CGRF that the alleged meter was installed in December 2005, and the first bill amounting to Rs.310/- on a reading of zero was received in February 2006. Consequently, he claims to have made several complaints since 2006 that the meter was faulty / not working properly. No action was taken till the disputed meter was removed in 2009 and tested on 18.06.2009. According to the Respondent, a theft case for meter tempering was booked against the complainant in 2010.

Hence the case before CGRF. The CGRF notes in its order that the Discom was ready to withdraw the meter tempering case now, but the complainant was not ready to withdraw the

case because he wants compensation. Since the consumer admitted that this same case had also been filed before the Public Grievances Commission and he had already attended the hearings the CGRF held it had no jurisdiction to entertain this complaint as the matter was subjudice in the other court. The case was ordered to be closed.

No hearing has been held in this case at it appears the conclusion of the CGRF not to hear is hasty and premature. The CGRF had to:

- i) Clearly decide if the matter before the PGC is the same as before it by asking the complainant to supply documents relating to that complaint.
- ii) To satisfy itself that the issue pending before the Commission is substantially the same and active hearings are being held and not simply that a general letter had been written without full hearings having been held. The case should have been checked to see it is pending before the Commission itself and not just pending in a grievance cell.
- iii) Finally, if the position was as in (i) & (ii) above, the complainant could still have been given the option to withdraw his complaint before the PGC voluntarily if he wanted it to be heard by CGRF.

Since none of this happened, the order of the CGRF is set aside and they are asked to look into all the above issues first and pass a speaking order on whether they can entertain the complaint. In case they can do so the issue of the Discom being willing to withdraw the meter tempering case needs to be dealt with and a decision taken whether the meter was malfunctioning and if so the financial consequences need to be clearly decided, including potential compensation issues if they arise.


(PRADEEP SINGH)
Ombudsman

21st
November, 2014