

102

Office of 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/2006/84

Appeal against Order dated 31.03.2006 passed by CGRF – NDPL on
CG.No. 0620/01/06/BWN (K.No. 41100990138)

In the matter of:

Shri Varinder Kumar Aneja - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri Vivek Kumar authorised representative of the appellant

Respondent Shri R.S. Rath, District Manager, Bawana District
Shri Suraj Das Guru, Executive (Legal) on behalf of NDPL

Date of Hearing: 09.10.2006

Date of Order : 10.10.2006

ORDER NO. OMBUDSMAN/2006/84

The Appellant has filed this appeal against the order dated 31.03.2006 of CGRF in regard to a temporary connection No. 4110090138 at F-235, Sector-I, DSIDC, Bawana, Delhi. The Appellant Shri Varinder Kumar Aneja has authorised Shri Vivek Kumar Aneja resident of 313/31C, Inder Lok, Delhi-35 to represent his case before the Electricity Ombudsman. The facts that emerge after study of the contents of the appeal, the CGRF order/records, and the submissions made by both the parties in response to queries raised are as follows:-

The Appellant applied for a temporary connection of 1 KW at his premises F-235, sector-1, DSIDC, Bawana, for construction purposes. The temporary connection was sanctioned for six months and this was energized on 13.3.2003. No bill was sent to the Appellant within six months of the date of energization as

101

required in the DERC Regulations. The first bill and that too an average /provisional bill was sent to the appellant in March, 2005 for Rs.27,115/- for 3896 units. As per usage history of NDPL, 7 average/provisional bills were raised upto October '06 and the first reading was taken on 17.11.2005 showing a reading of 1454 units. The Licensee Company violated the DERC guidelines because seven average/provisional bills were sent to the Appellant and thereafter first reading based bill was sent on 17.11.2005 for 1454 units.

The case was fixed for hearing on 28.9.2006. The Licensee Company asked for deferment of the date as the concerned employee was out of town. Next date of hearing was given on 9.10.2006.

On 09.10.2006 Shri Vivek Kumar authorized representative of the Appellant attended in person. (It appears that this authorization was not presented before the CGRF and therefore on this ground the case was dismissed for lack of proper authorization by the registered consumer.)

Shri Suraj Das Guru, Executive Legal attended along with Shri R.S. Rathi, District Manager on behalf of the Respondent. The case was discussed. It was admitted by the District Manager that appellant's connection was a temporary one and valid for 6 months but due to some failing in the system at that time it could not be taken on the system and no bill was sent to the appellant. The appellant was asked whether he also did not ask for the bill when he did not receive it. He stated that he did not ask for the bill in writing though he visited the Licensee Company's office for this purpose.. However he could not produce any evidence to show that he had asked for the bill either by a personal visit or by a written letter.

From the above facts, it is clear that the connection being a temporary one was valid for a period of six months and either it should have been extended beyond six months or the Licensee company should have terminated the connection. However, none of the above two steps were taken.

Record shows that no readings were taken by the respondent after installation of the temporary connection during the initial six months, when it was used for construction purposes. (water pump). After construction, the premises was locked and was not used. Therefore the first reading taken by the Licensee Company for 1454 units was the consumption in the first six months as there was no consumption of energy afterwards. Accordingly, **the Licensee Company is directed to raise the demand of energy charges as per Tariff prevailing at that time for 1454 units i.e. for the period from 13.3.2003 to 13.9.2003. No LPSC is to be charged.**

10

The Licensee Company is directed to prepare a revised bill on the above lines. Credit for all payments made by the appellant, including the security deposit is to be given. Excess payment made by the appellant may be credited to his (appellant's) account. The appellant stated that he has applied for a permanent connection in the same premises. The amount lying in the appellant's credit may be adjusted against the demand raised for the permanent connection.

The Appellant in his appeal has demanded compensation from the Licensee for raising the first bill after more than two years from the date of energization. He is informed that no compensation is due to him on this account. However, regulation No. 39 of the DERC Regulations of August 2002 provide for a penalty of Rs.500/- to be paid by the licensee company for raising the first bill beyond six months of the date of energization. The Licensee Company is directed to deposit the amount of Rs.500/- with DERC.

Further, the Licensee Company has sent seven average/provisional bills to the appellant which is in violation of the DERC Regulations. Regulation 42 of the above DERC regulations provides for a penalty of Rs.500/- to be paid by the licensee for each such bill. The Licensee Company is directed to deposit Rs.3500/- (Rs.500 X 7 = Rs.3500/-) to DERC accordingly.

The CGRF order is set aside.

अशा मेहरा
(Asha Mehra)
Ombudsman