

(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 against Order dated 16.01.2006 passed by CGRF – BYPL on  
Complaint No.: C.G.-3401/10/2005 (K.No.1141-46480158)

Shri Subhash Chander Kapur - Appellant

M/s BSES Yamuna Power Ltd. - Respondent

**Appellant**                      Shri Subhash Chander Kapur

**Respondent** Shri Amit Gupta, Commercial Officer, Patel Nagar,  
Shri N.S. Meena, Business Manager, Patel Nagar and  
Shri Hemant Gupta, Advocate all on behalf of BYPL

Date of Hearing: 23.08.2006  
Date of Order : 14.09.2006

A letter dated 15.5.2006 by Shri Subhash Chander Kapur addressed to Electricity Ombudsman is purported to be an appeal against the CGRF order dated 16.1.2006. In this letter he has referred to another letter dated 8.2.2006 addressed to the Secretary , CGRF against the order passed by the CGRF which he says is not fair and has ignored vital points raised by him during the hearing before the CGRF.

The Appellant has requested for interest on excess amount collected by BSES-BYPL for four and a half years and damages for his sufferings which have not been considered either by the CGRF or by the DISCOM despite his

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reminders dated 21.2.2006, 22.2.2006 and 23.3.2006. Thus his grievance against CGRF order relates to:

- a) Interest on excess amount collected by BYPL for four and a half years; and
- b) Damages for harassment suffered at the hands of the DISCOM

The so called appeal was filed beyond a period of 30 days from the date of issue of CGRF order. Also 1/3<sup>rd</sup> amount as assessed by the CGRF as required under clause 20 (3)(iii) of the DERC notification dated 11<sup>th</sup> march 2004, was not paid. The Appellant was advised to fulfill the conditions required in clauses 20(3) (ii) and 20(3) (iii) as mentioned above. The Appellant submitted the reasons for the delay in filing the representation. Considering the reasons to be beyond his control, the delay in filing the appeal is condoned. He also paid 1/3<sup>rd</sup> amount on 3.06.06.

Having fulfilled the 2 conditions required as above, the case was processed further. Records were called for from the CGRF and information as required relating to the issues raised by him was called from the DISCOM and from the Appellant. After receipt of information, the case was fixed for hearing on 23.8.2006.

Shri Amit Gupta, Commercial Officer Patel Nagar, Shri N.S. Meena Business Manager and Shri Hemant Gupta, Advocate attended the hearing on behalf of the Respondent Company. Shri Subhash Chander Kapur attended in person.

It is stated in the CGRF order that the Appellant and the DISCOM arrived at a settlement on the issue on which the Appellant was agitated. The only issue that now remains is the interest demanded by the Appellant on Rs. 7051/- which was admittedly lying (in excess) with the DISCOM from April 2002 onwards..

The other grievance is regarding assessment of electricity charges for the period when the meter remained faulty. The DISCOM charged the Appellant from October 2004 to 7.4.2005 i.e. for six months and seven days on the basis of average consumption of the past six months and of the next six months before and after the change of the meter. The CGRF vide its order dated 16.1.2006 restricted the period of assessment to six months but did not disturb the basis of consumption adopted by the DISCOM. The case was discussed. Both the parties were heard and it was decided that as the defective period is from October 2004 to April 2005, the average of six months before October 2004 and six months after April 2005 have been taken for assessment of defective period. Both these base periods are summer months having more consumption and if these are adopted for determining the average consumption, the average will be higher and a correct picture will not emerge. The Respondent Company

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was therefore directed to revise the assessment of the defective period based on the average consumption of prior six months corresponding to the defective period and the corresponding six months after the defective period so that the average consumption represents the correct energy consumed in the defective period. The DISCOM Officials were directed to submit calculations which have been received. These shows that the energy charges during the defective period are Rs.7,579.05p. as against Rs.10,825.81p. The appellant gets a relief of Rs.3,246.76p.

It is an admitted fact that the DISCOM levies (LPSC) Late Payment Surcharge on the consumers, if the electricity charges are not paid by the due date. It is but natural that the DISCOM will pay interest on the same rates (as is charged for LPSC) on surplus funds lying with the Company of the Appellant. Before the CGRF the DISCOM admitted that an amount of Rs. 7051/- is lying with the BYPL from April 2002 and this was not refunded despite several complaints and reminders by the Appellant. The Respondent Company is directed to pay interest on Rs. 7051/- from 2002 till 31.01.2006 which (as per Licensee's calculation) works out to Rs.4,847.56p. at the rate of 1.5% pm.

The Appellant was very agitated and vehemently protested at the harassment meted out to him by the Company. A senior officer of the Government of India he had to write several letters and visited the licensee's office several times to get his bill revised. He went through anxious times when the DISCOM tried to make out a case of Direct Abstraction of Energy (DAE) against him.. Fortunately, for him no such charge was established against him. There is no doubt that the Appellant went through very trying times while continuously pursuing his case with the licensee and was treated rather shabbily. No compensation can make up for the harassment meted out to a consumer, however as a token compensation of Rs.2,000/- is awarded to the appellant for the harassment suffered by him.

The CGRF order is set aside.

अशा मेहरा  
(Asha Mehra)  
Ombudsman