

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/2006/93

Appeal against Order dated 05.05.2006 passed by CGRF – BYPL on Complaint No. CG-90/03/2006 (K.No. 1220 R3160155/DX).

In the matter of:

Shri Kamal Kishore Dhingra

- Appellant

Versus

M/s BSES - Yamuna Power Ltd.

- Respondent

Present:-

Appellant

Shri S.B. Pandey, Authorised Representative of the Appellant

Respondent

Shri P.K. Bharadwaj, Senior Manager, District Krishna Nagar
Shri G.S. Bisht, AFO, District Krishna Nagar
Shri Hemant Gupta, Advocate, all on behalf of BYPL

Date of Hearing: 12.10.2006, 17.10.2006

Date of Order : 30.10.2006

ORDER NO. OMBUDSMAN/2006/93

In his appeal against CGRF-BYPL's order dated 5.5.06 appellant stated –

- (i) The electric connection was disconnected in the year 2000 at Reading 20218;
- (ii) He deposited outstanding demand of Rs.23,580/- and since then supply is lying disconnected but average billing with misuse charges continued till 2004;
- (iii) On 8.2.06, he made a written request to Business Manager, Krishna Nagar for issuance of final bill but the same has not been issued till date;
- (iv) He stated that respondent levied misuse charges (though use was domestic) without issue of a show cause notice;
- (v) Respondent stated before CGRF that a new meter was installed and old meter No. 6084832 was retained at site by Enforcement Department;

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- (vi) During inspection on 27.3.2006, respondent found old meter No. 6084832 disconnected still at site and new meter alleged to be installed was not found at site;
 - (vii) Respondent has neither produced the installation particulars nor meter removal order of the alleged new meter;
 - (viii) The electric bills have been continuously issued with old meter No. 6084832;
 - (ix) Neither new meter had been installed after the disconnection of supply in the year 2000 nor any show cause notice has been issued to the Appellant;

Based on submissions made by the Respondent before CGRF the new meter No. 200 1102 was installed and regular readings were recorded till 2002, CGRF held that the bill as raised by the Company for actual meter reading till 2002 + 6 months MG & MR on misuse tariff is very much in place.

It is against this order of the CGRF, that this appeal has been filed before the ombudsman.

Contents of appeal and records of CGRF folder were scrutinized. Queries were raised and the respondent informed that after enforcement inspection dated 22.8.99, old meter No. 6084852 was disconnected at Reading 20220 and kept at site and supply was given through new meter No. 2001102. Finally supply was disconnected on 15.2.02 at Reading 21010. The outstanding dues on 15.2.02 were Rs. 1,95,571/-. Respondent was further asked vide this office letter dated 6.9.06 to submit.

- 1) Copy of Enforcement Inspection Report dated 22.8.1999 when supply was disconnected and old meter kept at site;
- 2) Date of restoration of supply through new meter No. 2001102 and installation particulars;
- 3) Disconnection particulars dated 15.2.2002;

In response to above, respondent has stated

- 1. Copy of the inspection report is not traceable. However the remarks given by the meter reader at the time of meter reading and order of Enforcement Department written on the back of the meter book sheet for the block year 1999-2001 are available and can be shown.
- 2. Meter fixation date and particulars are not available.
- 3. Copy of the meter book sheet showing remarks of MRI dated 15.02.2002 can also be shown.
- 4. Details of bills raised up to February 2002 were submitted

The case was fixed for hearing on 12.10.2006 Shri S.B. Pandey, Advocate / authorised representative of the appellant attended.

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Shri P.K. Bhardwaj, Senior Manager, District Krishna Nagar attended along with Shri G.S. Bisht, AFO . Shri Hemant Gupta, Advocate also attended on behalf of the respondent.

During hearing, the Respondent produced the meter book records which bear the remarks that during enforcement inspection industrial power use was found against domestic connection with 5.115 KW load, thus showing misuse. Record does not show any theft of electricity. The meter book record indicated that first reading of the meter was recorded on 18.4.2000 at R-7570. The previous reading recorded on 7.2.2000 was of old meter at R-20220. Another remark was observed at the top of meter book (same page) indicating new meter No. 2001102 R-2310 dated 7.2.2000 which indicated the initial reading and date of installation of new meter.

Respondent was further asked to produce by 17.10.2006:-

- (1) Original ledger along with meter book indicating that bills were issued on the basis of readings recorded by new meter along with record of readings of disconnection recorded in the meter book.
- (2) He was asked to prepare a revised statement of charges leviable on the basis of new meter with initial reading 2310 as on 7.2.2000 and date of disconnection on 15.2.2000 + 6 months MG.

Appellant was asked to produce –

- (1) Original bills received by him after disconnection of supply in 2000 as alleged by him.
- (2) Any protest / complaint lodged why bills continued to be received despite disconnection of supply; and
- (3) Why final bill was asked after 6 years of disconnection.

The above information was to be submitted on 17.10.2006

Shri S.B. Pandey, Advocate of the appellant gave written submissions on 17.10.06 informing

- (1) that he has no bills after 2000 i.e. after the date on which supply was disconnected;
- (2) that he did not also have any copy or record of any protest letter; and
- (3) that the premises of consumer had been under construction from May 2005 to February 2006. Now that the premises of the

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consumer have been fully and completely constructed now electricity supply is required.

Regarding misuse charges levied by the Respondent, it is evident that misuse was detected by the Enforcement Directorate; the appellant was using industrial power although he had applied for a domestic connection. Also the Appellant has made the full payment (on account of misuse charges) without protest. This issue is closed and his request after six years that misuse charges were levied on him is no longer valid.

Senior Branch Manager of the Respondent along with Legal and Accounts officials produced the original ledger records which indicated that demand was raised on the basis of readings by new meter till disconnection was effected on 15.2.2002 on account of non-payment.

Revised statement of account produced by the respondent shows the payable arrears as Rs.1,36,375.60. Consumer has made a payment of Rs.65,192.00 in June 2006. The balance payable arrears are Rs.71,183.60. Respondent may issue a final bill for this amount.

CGRF order is set aside.

अशा मेहरा,
(Asha Mehra)
Ombudsman