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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/2006/99

Appeal against Order dated 18.05.2006 passed by CGRF – NDPL on CG.No. 0702/04/06/NRL) (K.No. 43200030408).

In the matter of:

Shri T.R. Bajaj - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri T.R. Bajaj

Respondent Shri Neeraj Sharma, HOG (R&C)
Shri S.S. Antil, Commercial Officer, Narela District
Shri Suraj Das Guru, Executive (Legal) all on behalf of NDPL

Date of Hearing: 17.10.2006

Date of Order : 01.11.2006

ORDER NO. OMBUDSMAN/2006/99

This appeal is filed by Shri T.R. Bajaj, the Appellant in regard to K. No. 43200030408 at his premises A-3/63-64, Sector-15, Rohini, Delhi-110 085 against the orders of CGRF dated 18.5.2006. Scrutiny of the CGRF records, submissions made by both the parties reveal the following.

The Appellant applied for a temporary connection on 5.2.2003 for construction purposes. Provisional bills were raised by NDPL for more than two billing cycles which is against the DERC Regulations. The Appellant filed a complaint against NDPL on 21.6.2005 for correction of bill which was corrected only after filing the complaint with CGRF. Consequent to the CGRF order, the appellant filed this complaint with Electricity Ombudsman.

During the course of hearing before CGRF, the NDPL furnished a duplicate bill indicating a credit of Rs. 12,651.67 in favour of the Appellant. The Appellant was satisfied with the correction of this bill. The cheque for the above amount of Rs. 12,651.67 was to be released in favour of the registered consumer by 5.6.2006 as per the CGRF order.

The complaint of the Appellant before the Ombudsman is that the Respondent Company delayed the implementation of the CGRF order.

The case was fixed for hearing on 17.10.2006. Shri T.R. Bajaj, the Appellant attended in person. Shri Neeraj Sharma, HOG(R&C) attended alongwith Shri S.S. Antil, Commercial Officer, Narela District, and Shri Suraj Das Guru, Executive Legal Cell attended on behalf of the Respondent.

During the course of hearing, the Appellant stated that the cheque for Rs. 12,651.67 ordered by the CGRF was to be sent to the consumer latest by 5.6.2006. However, it was sent to the consumer only on 5.7.2006. He also referred to his letter dated 10.08.2006 wherein it is stated that the cheque was in favour of M/s S.P. Electrical whereas the name of the firm was S.P. Electro Platers. Further he stated that the firm has been closed due to Supreme Court order for violation of Pollution Act. He, therefore, requested that the cheque should be in the name of the sole proprietor Shri Suraj Prakash who was the registered consumer. The officials of the Respondent Company stated that an application in the said form may be made to the NDPL stating these facts consequent to which the cheque would be made in favour of Shri Suraj Prakash.

It was argued by the Respondent that the cheque was received by the Appellant on 5.7.2006 although ordered by the CGRF on 5.6.2006. This can hardly be treated as delay in implementation of the CGRF order.

It was further argued by the Licensee Company that provisional bills were issued by the NDPL because his premises were found locked and reading could not be taken. Therefore, reading based bills could not be sent.

The grievance of the Appellant is that his request for finalization of the bill was made on 21.6.2005 and the bill was finalized only by 18.5.2006 i.e. 11 months after the Appellant's request and 18 months after removal of the meter. According to the Appellant, this is gross violation of Clause 13 (i) of the DERC Regulations.

It may be noted that the Appellant is perhaps referring to Sub-clause (ii) of the Regulation 13 of the DERC Regulations 2002 (Performance Standards Billing and Metering 2002) which requires the Licensee Company to resolve the consumer's complaint within 15 days of its receipt (of the complaint) and in case any additional information is required, the same shall be resolved within 30 days of receipt of the complaint.

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In the above case, the Licensee Company has finalized the bill after 11 months of the complaint by the Appellant. Latter has, therefore, sought for penalty under "Clause 44" for deficiency in service by the Licensee Company.

Considering the facts and circumstances of the case and in view of the fact that the premises of the Appellant was locked after the construction was completed, Reading-based bills could not be issued by the Licensee Company. Therefore there is no case for penalty on account of deficiency of service.

Since the cheque for Rs. 12,651.67 was sent to the Appellant on 5.7.2006 (though ordered by the CGRF on 5.6.2006), I hold that delay of one month in implementation of the CGRF order can not be termed as a delay inviting penalty. Therefore, no penalty is ordered on this account.

.As requested by the appellant, the Licensee Company may prepare a cheque favour of Shri Suraj Prakash, after such an application is given by the Appellant to the Licensee Company as mentioned above by the latter.

Regarding refund of security deposit prayed for by the Appellant, it is directed that after the Appellant completes the formalities for the refund of security deposit the same may be given by the Licensee Company.

The order of CGRF is set aside.

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(Asha Mehra)
Ombudsman