

OFFICE OF THE ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057
(Telephone No.011-26144979)

Appeal No. 19/2019

(Against the CGRF-BYPL's order dated 29.04.2019 in C.G. No. 14/04/2019)

IN THE MATTER OF

SHRI PRADEEP KUMAR

Vs.

BSES - YAMUNA POWER LTD.

Present:

Appellant:

Shri Pradeep Kumar, the Appellant along with his brother
Shri Anil Kumar and Shri Naveen Kumar, Authorized
Representative

Respondent:

Shri K. Jagatheesh, Sr. Manager, Shri I.U. Siddiqi, Manager
(Legal), Shri Sanjay Ray, AFO and Ms. Ritu Gupta, Advocate
on behalf of BYPL

Dates of Hearing: 24.07.2019

Date of Order: 30.07.2019

ORDER

1 The Appeal No. 19/2019 has been filed by Shri Pradeep Kumar as proprietor of M/s Prabhat Industries situated at Shed No. 4, Ground Floor, DSIIDC, Block-G, New Seelampur, Delhi - 110053 through his authorized representative, Shri Naveen Kumar, in respect of his industrial electricity connection bearing CA No. 100009882 with a sanctioned load of 35 KW, against the CGRF-BYPL order dated 29.04.2019 passed in CG No. 14/4/2019. The issue concerned in the Appellant's grievance is regarding the billing dispute in respect of his connection installed at the above said premises.

2. In the instant appeal, the Appellant has disputed the bills raised by the Discom (Respondent) on commercial tariff instead of industrial tariff in spite of production of factory license by him. As per the Appellant the factory license was treated as invalid by the Discom on the grounds that the actual/sanctioned load was in excess of the motor ratings mentioned on the factory certificate. This contention of the Discom has been disputed by the Appellant and has submitted that it is not as per the DERC Regulations which stipulate that following documents can also be treated as factory license for electricity connections, for the purpose of raising the energy charges on industrial tariff rather than on commercial basis.



- i) MSME issued Aadhar Certificate
- ii) FSSAI License
- iii) Directorate of Industries issued License
- iv) DSIIDC Lease Agreement, etc.

The Appellant rebutted the contention of the Discom as averred in their reply and stated that the allotment letter of shed from DSIIDC submitted at the time of applying the electricity connection is a sufficient proof that his connection is an industrial one and is not covered under non-domestic category.

The Appellant also alleged that in September, 2018, the department of his connection was changed from KCC to MLCC and billing category was also changed from Industrial to Non-Domestic for the reasons best known to the Discom. As his grievances were not redressed by the Discom, hence, he filed a complaint before the CGRF. Since he was not fully satisfied with the order dated 29.04.2019 passed by the Forum, hence preferred this appeal mainly on the grounds that the Forum has not given any compensation to him despite holding that the Discom is guilty of committing negligence by raising bills wrongly on commercial tariff instead of industrial tariff. Also the Forum has not considered the fact that the Discom has increased the sanctioned load of the Appellant without submitting any supportive document, on the basis of which his load has been enhanced.

In view of the above submission the Appellant has prayed as under:

- a) To allow and admit the present appeal and call the record of the Ld. CGRF in case titled as "Pradeep Kumar V/s M/s BSESYPL" case bearing No. CG:-14/04/2019.
- b) That the impugned judgement and order dated 29.04.2019 passed by the Ld. CGRF, Karkardooma, Delhi in case titled as "Pradeep Kumar v/s M/s BSESYPL" case bearing no. CG:- 14/04/2019 be set aside in the interest of justice and his complaint be decreed in terms of the relief sought in the plaint filed before the Ld. CGRF.
- c) To impose cost upon the Respondent and further to grant cost of the present appeal.
- d) Any other relief which this Hon'ble Forum may deem fit and proper in view of the facts and circumstances of the present case may also be granted in favour of the Appellant and against the Respondent.

3. The Discom in its reply has submitted that the present case is in respect of electricity connection bearing CA No. 100009882 registered in favour of M/s Prabhat Industries, situated at Shed No. 4, Ground Floor, DSIIDC, Block-G, New Seelampur, Delhi - 110053, for a sanctioned load of 35 KW at present, which was increased over a period of time on the basis of



higher MDI readings, as per regulations. As per the Discom, the basic dispute of the Appellant is regarding raising of the bills on commercial tariff instead of industrial tariff, whereas the connection is sanctioned for industrial category. It is pertinent to mention here that the consumer never submitted any MCD license to them, however, the Appellant has filed one license along with the complaint submitted by him in the CGRF and the same was also not found to be valid as it was not for the sanctioned load.

As such, since September, 2018 the Appellant was being charged on commercial tariff instead of industrial tariff by them and is in accordance with the tariff schedule for the year 2018-19. It has also been submitted by the Discom that the Appellant never submitted the factory license before filing the complaint with the CGRF and the factory license as submitted by the Appellant in the Forum is for a period from 30.08.2018 to 31.03.2019 only and that too for a load of 15 H.P. and is not in order, since the present sanctioned load of the electricity connection is 35 KW.

However, during the pendency of the matter before the CGRF, it was realized that the billing was required to be done on industrial tariff instead of commercial tariff and hence the bill was revised accordingly. Since the rate of commercial tariff was charged from 01.08.2018 to 27.03.2019 as such further credit was given for the said period by revising the bill on industrial tariff vide bill dated 25.04.2019 giving a credit of Rs.28,608.18. Thereafter the two bills raised in the next two months were also issued inadvertently by them wrongly on the basis of commercial tariff instead of industrial tariff, due to some error, which occurred on account of issue of flagging in their system, but both the bills were rectified instantly by them and the due credit was given to the Appellant in his next bills. The technical fault in their system was rectified and resolved and further bills are being issued as per the relevant industrial tariff.

It has been further submitted by the Discom that in addition to above, the Appellant has tried to raise certain other issues of the wrong bills raised in the past but has failed to give any particulars of the same. These issues were never raised by him before the Forum and since the allegations made are lacking in material particular, hence cannot be looked into and apparently the same are time barred. The Forum after hearing the Appellant at length regarding certain other issues relating to the year 2008 has rightly mentioned in its order that all other claims are time barred. Since the revised bills on industrial tariff have already been issued giving him the due refund on the basis of his industrial license, no any further issue or dispute is pending which needs further adjudication and as such there is no infirmity in the order passed by the Forum, hence the present appeal is liable to be dismissed.

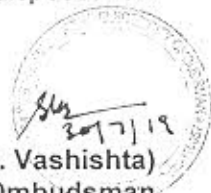
4. After hearing both the parties and considering the material on record, the basic issue that emerges is that, the Appellant had been charged on commercial tariff instead of industrial tariff although he is having an industrial connection. It is pertinent to mention here that the Appellant did not submit the factory license to the Discom prior to the hearing in the Forum and hence his bills were being raised by the Discom on the basis of commercial tariff only



as per the tariff order. But the initial act of the Discom to raise the bills on commercial tariff in spite of production of factory license by the Appellant and by treating the same as invalid on the grounds that the actual sanctioned load was in excess of the motor ratings mentioned on the factory certificate was wrong, in view of the order of DERC dated 29.06.2018. The said order was issued by DERC to clarify the term Factory License used in Para (5) of Tariff Schedule of DERC Tariff order dated 28.03.2018. Later on, since the Discom had already revised the bills as per industrial tariff during the hearing in CGRF, the issue of excess billing stands disposed off in the Forum itself. The Appellant approached the Forum wherein his grievances were heard and all the issues as raised by him were resolved judiciously on merit of the case and since the Discom has also taken the corrective action on the issues relating to wrong billings etc., hence nothing more survives in the matter to be adjudicated. Regarding the issue of compensation, the verdict of the Forum that the Appellant is not liable for any compensation is in order, since the Discom made the necessary adjustments in the bills of the Appellant once the requisite document was submitted by him during the course of hearing in the Forum.

Regarding the issue of change of department of his connection from KCC to MLCC, the Discom clarified during the hearing that it is their internal accounting management system according to the categories of the connections made on the basis of sanctioned load of the consumers and has nothing to do with the commercial or industrial tariff etc. However, the Discom submitted that his connection has again been reverted back to KCC department.

In the background of above, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.


(S.C. Vashishta)
Electricity Ombudsman
30.07.2019