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Office of the Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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(Phone No.: 32506011, Fax No. 26141205)

Appeal No. F. ELECT/Ombudsman/2013/569

Appeal against the Orders dated 05.04.2013 passed by CGRF-BYPL in
Complaint No.: 223/09/12

In the matter of:

Shri Bihari Lal

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

- Respondent

Present:-

Appellant: Shri Bihari Lal was present in person.

Respondent: Shri Bhupendra Kumar, Business Manager and
Shri R.S.Bisht, Nodal Officer, attended on behalf of the
BYPL.

Date of Hearings: 22.07.2013 & 25.09.2013

Date of Order : 11.11.2013

ORDER NO. OMBUDSMAN/2013/569

The facts of this case are that the complainant, Shri Bihari Lal, had a electricity connection (CRN No. 1240070272) with a sanctioned load of 0.25 Kw since 27.09.1982 in Kondli Colony. On 22.03.2005, a new meter No.: 23078785 was installed in his premises. In the month of October, 2005, one Smt. Urmila Devi applied for a change of meter because of burnt/defective meter against CRN No: 1240070366 in the name of one Shri Bahori Lal. By mistake this complaint was generated on the name of Shri Bihari Lal, who had a

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CRN No.: 1240070272. On inspection at the site Shri Bihari Lal's meter was found O.K. and the application for change of meter was cancelled.

In the month of June, 2006, Smt. Urmila Devi again approached for the change of burnt/defective meter of Shri Bahori Lal (CRN No.: 1240070366) This meter of Shri Bahori Lal was changed on the site, but was shown to have been changed by mistake against the name of Shri Bihari Lal (CRN No. 1240070272). It is not clear why the Discom did not connect the earlier rejected request of October, 2005 with the new request of June, 2006 and look into the matter in some detail. It is also not clear how Shri Bahori Lal managed without a meter from October 2005 to June 2006. The matter rested here for some time.

In the month of October 2006, Smt. Urmila Devi now applied for a change of name from Bahori Lal to Urmila Devi, but, due to the continuing confusion of names/bills, instead of changing the name from Bahori Lal to Urmila Devi, the Discom changed the name of Shri Bihari Lal to Smt. Urmila Devi. Hence, the CRN No. 1240070272 (associated with CA No.101053538 and K.No. 1241Q7221198) now stood not in the name of Shri Bihari Lal, but in the name of Smt. Urmila Devi, although it continued to be installed at the address of Shri Bihari Lal at A-145, Kondli Colony, Khasra No. 231, Near Gautam Public School, Delhi – 110096.

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This confusion seems to have occurred because both Shri Bahori Lal and Shri Bihari Lal are resident of Kondli Colony, village Kondli, Delhi – 110096.

Shri Bihari Lal now started receiving bills in the name of Smt. Urmila Devi leading to disputes about the validity of bills which led to only partial payments and finally to disconnection of supply twice. This led him to go to CGRF asking for correction of name, issue of correct bills and adjustment of partial dues paid under protest. Not satisfied with CGRF's order dated 05.04.2013 he filed this appeal.

A hearing was held on 22.07.2013, on which date, many gaps in the sequence of events were found and the facts were unclear. Discom was asked to submit a detailed reply by 05.08.2013. This was done and the above sequence of events has been taken from this reply, but even in this certain discrepancies of dates remain as noted above.

The Discom filed a reply on 05.08.2013 that the name was corrected back to Shri Bihari Lal in December 2008 (para 3 of reply). However, in the list of events in the same document, the Discom has mentioned that the name of the Appellant was corrected from Urmila Devi to Bihari Lal in the February, 2009. This is a discrepancy which has not been explained.

The Discom claims that during the period from October 2006, when the name was wrongly changed, till December 2008, when the

correction was carried out, bills were being issued in the name of Urmila Devi, but listed the address of Shri Bihari Lal with his K.No.: 1241Q7221198, his Meter No.23078785 with the actual reading billed being taken from the meter installed at his residence. These bills were, however, not paid by the complainant regularly because of the name change and due to the doubt whether they were based on his readings or not. The Discom contends that they received only the following payments from Shri Bihari Lal, the complainant (CRN No.: 1240070272), viz:

<u>S.N.</u>	<u>Date</u>	<u>Amount (Rs.)</u>
1.	25.01.2006	15,060.00
2.	13.03.2006	1,960.00
3.	10.05.2006	2,070.00
4.	17.07.2006	2,520.00
5.	18.09.2006	Amount not specified
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21,610.00 (?) or 24,080.00		
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It appears from the reply of the Discom that a commercial meter was also installed in the premises of Shri Bihari Lal, the complainant, on 16.05.2007, and both domestic and commercial meters existed together till 12.10.2009, when Shri Bihari Lal's domestic meter no.: 23078785 was disconnected at a final reading of 21102 (said to have been admitted by the complainant). The complainant in his appeal against the CGRF-BYPL's order has, in para 5, denied having asked for a new commercial connection. He claimed this was installed under pressure at his residence and has denied there is any commercial activity at his house.

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In para 7 of the Discom's submission of 05.08.2013, it is mentioned that the meter no: 23078785 was first disconnected on 24.06.2009. There is a mention in the same para that the meter was reconnected on the same day due to the political intervention of the MLA of the area. It appears that the final disconnection only took place on 12.10.2009. A bill was, therefore, raised after 12.10.2009 at the stated final reading of 21102, for Rs.65,276.81. With the amount paid earlier said to be at Rs.24,140.00, the balance, therefore, came to Rs.41,136.81. It was this amount/bill which he challenged before the CGRF, when he requested for directions to the Discom for sending him the correct bill and to adjust his earlier payments which he claimed were made under protest.

It is not clear from the record why the complainant continued to have two connections on his premises from 2007 till 2009 when the domestic connection was finally disconnected. He further continued to have the commercial connection till 2013 when he finally approached the CGRF. The CGRF went into the matter and found that the complainant was liable to pay till the date of disconnection of the domestic meter on 12.10.2009 (reading 21102). CGRF specified that the bill should be raised from the date when there were no pending dues, i.e. w.e.f. 17.04.2006 when the reading was 6251. This led to a bill of Rs.40,164.04 payable against the domestic connection with CRN No.: 1240070272 which had been disconnected on 12.10.2009. The CGRF directed this payable amount should be transferred to the live commercial connection with CA no. 101133450 (Meter no. 13659649) to be recovered in four monthly equally

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installments. Further, the Discom was asked to pay a compensation of Rs.1,500/- to the complainant for not sending bills in the name of Shri Bihari Lal but in the name of Smt. Urmila Devi.

On these facts, the complainant has argued that the CGRF was wrong in coming to this decision. He contends he has never accepted the reading of 21102 units at the time of removal of the domestic meter on 12.10.2009. He claims that the readings being sent had always been based on the readings of the connection of Smt. Urmila Devi. He wanted BYPL to withdraw the demand of Rs.41,164.04 and to also give him an adjustment of Rs.24,080.00 paid by the Appellant under protest.

Further, he bases his challenge of the bill of Rs.65,276.81 on the fact that this amount was contained in a bill sent to him on 06.08.2012 not containing any name, address, khasra no., meter no., K.No. or category. He also claims the bill was accompanied by a threat from the Discom that failing payment his commercial connection would also be disconnected.

On the next hearing held on 07.08.2013, both parties desired time to resolve the matter and the matter was fixed on 25.09.2013, on which date a report of no settlement was submitted by the Discom. It can thus be seen that neither the proper sequence of events was submitted by the Discom nor was any serious effort made to arrive at a settlement inspite of the long time given. The sequence of events which this office managed to construct from different documents submitted/available, and has been given above, shows nothing but a

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severe deficiency of service on the part of the Discom over a long period of time as it thrice wrongly connected the requests made by Smt. Urmila Devi (relating to Shri Bahori Lal's connection) to the domestic connection of Shri Bihari Lal. Further, it did not correct the error for almost 2-3 years after the matter was brought to their notice. Further, the contention of the complainant that he had never asked for a commercial connection which was installed in 2007 under duress has not been specifically controverted by the Discom. The Appellant did pay some amount, listed above, against some of the bills being received but the name correction was not carried out for a very long time inspite of his protests. It is thus clear that the Discom was seriously at fault.

Equally, the Appellant, who continued to receive domestic electricity supply, was at fault in not pursuing the matter in a vigorous manner to ensure that the name is changed back by the Discom. He also did not continue to pay amounts at least equivalent to whatever his consumption was prior to the wrong change of name (which details have not been placed on record either by the complainant or by the Discom). It appears that the complainant may have taken advantage of the wrong name change to stop paying bills regularly, and may even now be trying to use these facts to avoid paying whatever is due till his domestic connection was disconnected. Since the meter had once been disconnected in June 2009 (and restored on the intervention of the MLA) and finally disconnected in October 2009, the relevant final reading of 21102 cannot be really controverted by the complainant unless he had himself taken a very

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different reading at the time of the disconnection on 24.06.2009 which points to the ultimate reading of October 2009 not being correct. It is not clear why the complainant continued with the commercial connection, which he said he did not want, from 2007 till 2009 and then to date as he claimed there were no commercial activities at his residence. The fact this connection continues even today, and that he had not asked this office to have his commercial connection disconnected and domestic connection restored, shows that his complaint on this account may not be correct. The CGRF has awarded him a compensation of Rs.1,500/- for not sending bills in the correct name. The fact remains that the Discom's own submission shows that three separate mistakes, made one after the other in the year 2005-06, led to this problem arising which is a serious deficiency in their operation. They also did not correct their mistake for over two years inspite of being informed. This requires a much higher compensation than the Rs.1500/- awarded by the CGRF. The compensation has to match the deficiency and should be Rs.10,000/-.

On the other hand, it is not possible for the complainant to say that the amounts raised are not due. It is clear he did continue to use the connection, though it was in another name and he continued to make part payment from time to time. The conclusion of the CGRF, to ask the Discom to charge from the date from which no dues are pending viz, 17.04.2006 uptill 12.10.2009 appears to be logical and cannot be controverted. The complainant has not produced any

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other old bills to claim a lesser consumption in the period before the name change. This part of the CGRF order can, therefore, stand.

With the above order on compensation the order of CGRF is upheld and the appeal is decided. Case closed.


(Pradeep Singh)
Ombudsman

11/11 November, 2013

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