

**Office of the 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-cum-Fax No.: 011-26141205)

**Appeal No.740/2016**

**IN THE MATTER OF:**

Aditya Continental Developers (India) Pvt. Ltd. - Appellant

Vs.

BSES Rajdhani Power Ltd. – Respondent

(Appeal against Order dated 11.04.2016 passed by the CGRF- BRPL in CG No. 15/2016)

**Present:**

Appellant: Shri Anand Singh, Authorised Representative of Appellant

Respondent: Shri Aditya Gupta, Counsel, Shri M.D. Jaya Prakash, DGM (Business) and Shri Prashant Saxena, Manager, Authorised Representatives of the BRPL

Date of Hearing: 01.09.2016

Date of Order: 05.09.2016

**ORDER**

1. Appeal no.740/2016 has been filed by Shri Anand Singh, on behalf of M/s Aditya Continental Developers (India) Pvt. Ltd., Khasra no.1516, Village Fatehpurberi, New Delhi, against CGRF-BRPL's order in CG No.15/2016 dated 11.04.2016.

2. The Appellant's plaint is that he had a pre-existing electricity connection under the "agriculture" category on his land in Fathehpurberi village, Delhi. The Discom (the Respondent), however, billed him under the "domestic" category in July, 2008, adding charges for alleged misuse. Following his persistent representations, the Discom withdrew the misuse charges in April, 2010 but did not revise the billing to tariffs applicable to agricultural connections but continued billing his connection as a domestic connection, finally changing the category only on 11.02.2015 whereas they should have done so right from the time of the billing in July, 2008.

*Prashant*



3. The Appellant was constrained to approach the CGRF on 18.02.2016 for redress. While the CGRF accepted his plea and directed the Discom to change the billing category from domestic to agriculture, it however allowed this change only with effect from 02.02.2010, the date on which the Appellant had moved an application to the Discom for the category change / removal of misuse charges before approaching the CGRF in Feb, 2016.

4. Aggrieved by this order of the CGRF, the Appellant has filed this plaint, reiterating that he had been billed for Rs.28,550/- on 28.10.2009 on the basis of domestic tariffs with a warning of disconnection if he failed to make the payment which he did under duress. Although the Discom assured him of a site visit to verify his contention, they took no action, prompting him to move a written representation to the Discom in February, 2010 asking again for a change in the billing category to agriculture and withdrawal of misuse charges. Again, the Discom took no corrective action but proceeded to disconnect his supply and remove the meter on 21.01.2013, raising another bill for Rs.26,410/-. The Appellant, again, had no option but to deposit this amount under duress as the standing crops on his field required immediate irrigation. The Discom again disconnected his supply on 28.11.2013 and served him with a bill for outstanding dues of Rs.22,110/- which he again had to pay under protest before its restoration on 26.12.2013.

5. The Appellant continued to pursue his request for a change in the billing category from domestic to agriculture which was ultimately done by the Discom in March, 2015. His representation to the Discom on 11.05.2015 for refund of the excess payments made by him went unattended, forcing him to move the CGRF for redress on 18.02.2016 and with whose verdict he was not satisfied as mentioned above. His present plaint is for the payment of interest on the excess amount paid by him to the Discom with the refund to be calculated from the date of the first bill of July, 2008 and not February, 2010 as allowed by the CGRF as well as any other relief.

6. The Discom's response agrees that domestic misuse charges were levied on the Appellant in July, 2008 and withdrawn in October, 2009 following his representation. Subsequent bills continued to be raised on the basis of domestic tariff as the Appellant had not applied for a change in category to agriculture which was finally done on 11.02.2015 following a site inspection. The bill has been revised with effect from 02.02.2010 following the CGRF's direction. The Discom's position is that the appeal is liable to be dismissed since the consumer's grievance has been resolved by the CGRF.

7. I have gone through the case details and find that a connection under the agriculture category in the name of Tula Ram S/o Pirthi existed at Khasra No. 1516 in this village. This land was purchased by the Appellant in 2008 with the name of the registered consumer being transferred to M/s Aditya Continental Developers (India) Pvt. Ltd. No plausible reasons have been offered by the Discom for the levy of domestic misuse charges as well as changing the tariff category from agriculture to domestic.

*Prasanna*



8. While the CGRF's direction to the Discom to revert the bill to the agriculture tariff category is sustainable, no logical reasons have been adduced for applying a cutoff date of 02.02.2010, the date on which the Appellant filed his representation before the Discom for the category change. It is evident that the Appellant has been billed by the Discom under the wrong category right from the date of the issue of the first bill in July, 2008 and there is no rational basis at all for applying the cutoff date of 02.02.2010 given the fact that the Appellant had already been flagging the issue before the Discom which, for inexplicable reasons, chose to ignore them, resorting instead to the coercive action of threats of disconnection followed by actual disconnections on two occasions. The Discom's actions can only be described as arbitrary, unjustified and incomprehensible, constituting a serious deficiency in customer services apart from demonstrating a clear lack of sensitivity towards the consumer's conundrum.

9. Accordingly, the CGRF's award is hereby amended to the extent that the billing will be based on tariffs applicable to the agriculture category but will take effect from the date of the issue of the first bill in July, 2008 and not February, 2010 with the excess amount/s paid by the Appellant being refunded to him. On the question of payment of interest on this excess amount, as demanded by the Appellant, it is observed that there are no specific provisions in the DERC's codes or regulations governing the modalities of granting such interest payments or computing their quantum. Nevertheless, given the manner in which the Discom has been seriously deficient in addressing the Appellant's problems and subjecting him to avoidable harassment on an issue which he had flagged repeatedly, a compensation of Rs.15,000/- is hereby awarded to him which should be paid by the Discom within two weeks from the date of receipt of this order.

*Sundaram Krishna*

**(Sundaram Krishna)**  
**Ombudsman**  
**05.09.2016**

