

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.797/2017

IN THE MATTER OF:

Shri Amrik Singh - Appellant

Vs.

M/s BSES Yamuna Power Ltd. – Respondent

(Appeal against order dated 15.02.2017 passed by CGRF- BYPL in Complaint
No.40/10/2016)

Present:

Appellant: Shri Amrik Singh

Respondent: Shri Mohit Verma, AM (Legal), Shri Rajiv Ranjan, Sr. Manager and
Shri Sanjeev Valecha, CO (D) – on behalf of BSES-BYPL

Date of Hearings: 16.10.2017 and 25.10.2017

Date of Order: 01.11.2017

ORDER

1. Appeal No.797/2017 has been filed by Shri Amrik Singh, R/o 52/16, Ramjas Road, Karol Bagh, New Delhi-110005 against the verdict of CGRF-BYPL in Complaint No. 40/10/16 dated 15.02.2017. The issue concerns the Appellant's grievance that his long standing dispute with the Discom (Respondent) has not been attended to satisfactorily by the latter and that the CGRF's verdict is defective on many counts by not appreciating the full facts.

2. The background of the case concerns a very long standing dispute with the Discom for more than a decade when a writ petition had been filed before the Hon'ble High Court of Delhi in 2006. The latter had noted that the matter pertained to a billing dispute for which an alternative forum for remedy was available to the petitioner in the form of the CGRF and transferred the petition to the Forum through its order dated 28.02.2007. The CGRF adjudicated upon the case and passed its verdict on 17.04.2007. The Appellant again approached the Hon'ble HC alleging non-compliance by the Discom with the Hon'ble HC disposing off the case on 25.09.2007 with a set of directions to the Discom which included a one- time payment of Rs.10,000/- by the Appellant in settlement of dues, replacement of the four existing meters with newer models and meter readings to be taken on the first Saturday of every month.

3. About nine years later, the Appellant again approached the CGRF on 21.10.2016 alleging that the meters in the name of his late wife had not been transferred to his name, that meter readings were not being taken on time, that bills were not being sent to him regularly, that his electricity supply had been disconnected in October, 2016 without prior notice and that the Discom had been harassing him ever since the passing of the Hon'ble HC's order in September, 2007. The CGRF, vide its order of 15.02.2017, considered the complaint and, while holding the bills raised by the Discom as correct, directed, inter alia, that revised bills be issued by the Discom after waiver of late payment surcharges (LPSC) with the bills to be paid in monthly instalments.



Dissatisfied with this order, the Appellant has filed the present plaint alleging non-compliance of order on the part of the Discom and a wrong appreciation of facts by the CGRF. His plaint, inter alia, demands the act of disconnection by the Discom be held as illegal, revised bill statements in compliance with the orders of the CGRF of April, 2007 and that of the Hon'ble HC of September, 2007 as well as a demand for monetary compensations detailed below.

4. The Discom, for its part, has given a point by point response to the Appellant's complaint stating that they are in full compliance with all the directions given by the CGRF and the Hon'ble HC and have also provided a sworn affidavit to that effect. More specifically, they have categorically stated that bills of electricity consumption have been served on the Appellant based on downloaded readings which are taken on the first Saturday of every month (except where it may not have been possible due to unavoidable circumstances), that three of the four connections have already been transferred to the Appellant's name as demanded by him with only one pending for want of completion of commercial formalities on the part of the Appellant and that they have been dealing with all of his complaints to the best extent possible.

5. I have heard both the parties and considered carefully the material on record which includes the Appellant's 50-minute oral presentation at the hearing and his written plaint of 16 pages with 25 annexures running into 86 pages containing an extended narrative of wide-ranging grievances over many years against the Discom. The main issues raised by him and the findings against them are enumerated below.

6. To begin with, his position is that the 27 complaints filed by him at various points in time to the Discom and the alleged absence of a response from the latter is tantamount to an admission of guilt on their part. The Discom has categorically indicated that they have and are continuing to make every effort to address his numerous complaints. I do not find that this allegation can be taken as being founded on a sound basis. His claim that the Discom owes him two sums of Rs. 1.68 lakhs and 92,000/-, the latter being on account of a notional loss of rental income for over three years plus penal interest, allegedly due to the cancellation of a sanctioned electricity connection to one of his properties by a Discom's officer through a verbal order, are based on his own interpretation of what he thinks is due to him and not backed up by evidence.

7. His complaint that all the four meters/connections in his premises have not yet been fully transferred to his name has been attended to – the Discom has confirmed that three of them already stand transferred to his name after he had completed the necessary formalities, two of them on 30.06.2017 and another on 07.09.2017 with the fourth and last transfer pending for want of completion of prescribed formalities by the Appellant which include pending payment for electricity actually consumed. Regarding his demand that the disconnection of his electricity supplies on two occasions be held as illegal, the Discom has stated that these were occasioned by the non-payment of pending dues and restored immediately once this was done. Other allegations, inter alia, include charges that the Discom has foisted bogus, "illegal" bills on him based on "bicycle readings" (sic), that they have not been taking meter readings on the first Saturday as directed by the Hon'ble HC, have "tempered their internet allowing downloading of duplicate bills working & not repairing the same" (sic), had broken the lock of the "almirah" housing the meters necessitating a complaint to the police, that the Discom has not adjusted the scrap value of two metal electricity lines which they allegedly removed and sold following a reduction in the sanctioned load of his premises, have caused a loss of rental income to him by cancelling a connection sanctioned to one of his premises in a malafide manner, are in collusion with some illegal occupants by allowing them continued access to electricity supply etc. He has also levelled allegations against some officials of the Discom who, according to him, have harboured an inimical attitude towards him and have been engaging in constantly harassing him. This includes the

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imputation in his rejoinder to the Discom's written response, submitted during the final hearing, that the Discom was somehow indirectly responsible for his spouse's demise through its "illegal disconnection and threats of disconnection of supply" and the oft-repeated allegation that the Discom has been deliberately committing a contempt of the Hon'ble HC by disobeying its orders, which are a part of an almost endless litany of allegations against the Discom with no clear focus. It would seem from the Appellant's written and verbal depositions that the Discom has little else to do except to engage in a single-minded persecution of the Appellant, a position difficult to accept. Without getting into an analysis of each and every aspect of the Appellant's complaint, it would be sufficient to note that many would not lie within the remit of the Ombudsman to address.

8. The Discom has provided a detailed response to his complaints, stating in no unclear terms that all of the Appellant's grievances have been attended to and that all of the Hon'ble HC's directions are being followed including taking meter readings on the first Saturday of every month and raising bills on the basis of actual consumption. I find no particular reason to disbelieve the Discom. The Appellant has also alleged that no "bills for consumptions had been served on the complainant" and that the Discom "has not submitted any proof of service as per section 24 of Electricity Act, 2003 and there is no negligence on the part of the complainant", demanding that bills should be sent to him by registered post. Apart from pointing out during the hearing that there are no provisions under rules to dispatch bills by registered post, the Discom has stated that they had indeed sent some bills by this means but which had been returned undelivered by the postal department, producing examples of such returned mail during the hearing.

9. With regard to the Appellant's oft-repeated allegation that the Hon'ble HC's orders of Sept, 2007 have not been complied with by the Discom, I can find no substantive evidence or basis to support it. The Discom has stated in no unequivocal terms that they are not in violation of any of the Hon'ble HC's directions and have provided a sworn affidavit to that effect as well as pointing out during the hearing that this is not an issue which lends itself to adjudication before the Ombudsman. I find myself in agreement with this position - it is up to the Discom to ensure that the Hon'ble HC's orders are complied with. The Ombudsman is only an appellate authority with regard to verdicts of CGRFs under the Electricity Act of 2003, not an authority to monitor and ensure compliance by discoms of directions issued by the Hon'ble Courts. If the Appellant feels otherwise, he necessarily has to seek a remedy elsewhere. In the present case, therefore, the Ombudsman's remit is limited/confined to a review of the verdict passed by the CGRF on 15.02.2017 in the context of the issues raised therein.

10. The Appellant has faulted practically every aspect of the CGRF's reasoning and verdict, holding that the Forum has made numerous wrong assumptions and has failed to appreciate his position. I, however, find that the CGRF has considered the issues at length and has given a fairly clear set of directions in the final paragraph of its verdict with the Discom again confirming, in no unequivocal terms, that these have been complied with. I am unable to find a basis for disbelieving them or warranting any intervention with the end product of the CGRF's verdict which has not found any shortcomings in the bills raised by the Discom on the basis of actual, downloaded readings and has also granted a waiver of the late payment surcharges (LPSCs) on all four of the Appellant's connections with the option to pay the pending amounts in instalments as a measure of relief to him.

11. The CGRF had also directed the Discom to complete the process of transfer of all the four connections to the Appellant's name as demanded by him with the Discom confirming that action in respect of three of them has been completed with the fourth pending for want of completion of commercial formalities and payment of pending bills by the Appellant. The Discom has assured that this will expedite the moment these requirements are complied with. The CGRF has also reiterated that readings of all the

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meters should be taken in accordance with the prescriptions laid down by the Hon'ble HC in its order of 25.09.2007 with the Discom confirming that they are in compliance with them in no unequivocal terms. I am unable to find any substantive basis to fault them on this since the Discom would be fully aware of the consequences of disobedience of the Hon'ble HC's directions.

12. Against this background, I am unable to find any substantive basis for intervention with the verdict of the CGRF. The Discom is, nevertheless, directed to ensure that the transfer of the last and fourth connection to the Appellant's name is concluded as expeditiously as possible once commercial formalities have been fulfilled with the Late Payment Surcharge (LPSC) on the pending amount also being waived as a measure of relief to the Appellant. Additionally, the Discom is directed to ensure that meter readings are taken on the first Saturday of every month with bills of consumption being served properly so that the Appellant is not put to any inconvenience or harassed in any manner keeping in mind that he is a very senior citizen and deserves to be treated with sensitivity and courtesy.

The appeal stands disposed off accordingly.



(Sundaram Krishna)
Ombudsman
01.11.2017