

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

Petition No. 41/2006

In the matter of:

Capital Homes Limited,
Plot No. 19, G -Block,
Community Centre,
Vikas Puri,
New Delhi-110018.

...Complainant

Through: Shri V.K. Goel, Advocate
Ch. No. 749, W.W. Tis Hazari, Delhi.

VERSUS

BSES Rajdhani Power Limited,
Through its: **CEO**
BSES Bhawan,
Nehru Place,
Delhi-110019.

...Respondent

Coram:

Sh. Berjinder Singh, Chairman & Sh. K. Venugopal, Member.

Appearance:

1. Sh. Sh. V.K. Goel, Advocate for the Complainant;
2. Sh. Ajit, Advocate for the Complainant;
3. Sh. R. R. Panda, DGM, BRPL;
4. Sh. A. Gujral, AVP, BRPL;
5. Sh. Saikrishna, Sr. Manager, BSES.

ORDER

(Date of Hearing: 14.08.2008)

(Date of Order: 27.08.2008)

1. The Complainant has approached the Commission on the ground that he had only one commercial connection with sanctioned load of 60 kw, but the Respondent BRPL started generating bills for two connections viz K. Nos. 122363 and No. 122364. The Complainant requested the Respondent to stop the double billing against connection no. 122364 which was not even in existence in the name of the Complainant. On the request of the Complainant the Respondent stopped sending bills against the imaginary connection No. 122364, but all of a sudden, in January, 2003 again he received few bills against the said connection i.e. K. No. 122364 where huge arrears were shown. The Complainant surrendered his only connection i.e. K. No. 122363 on 21.10.2005 and requested the Respondent to disconnect the connection and refund his security deposit amount.

2. The Complainant further submitted that when he visited the office of the Respondent on 18.01.2006 to follow-up the matter, he was handed over a bill for Rs. 56,27,546/- against an imaginary connection no. 26500C010023 (Old No. 122364).
3. The Complainant has alleged the violation of Regulation 23 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002, read with the violation of tariff as well as the conditions of supply of electricity.
4. The Respondent in its earlier reply had submitted that the Complainant had two electricity connections from the DVB time i.e. K. No. 9VP5041223645 and 9VP5041223637. It has been further submitted that in July, 2002 an amount of Rs. 72,250.23 was outstanding against K. No. 9VP5041223637 and Rs. 37,64,792.94 was outstanding against K. No. 9VP5041223645.
5. The Complainant in his rejoinder has reiterated the stand taken by him earlier in his complaint. He submitted that the Respondent DISCOM was expected to rectify the mistake and reply to the consumer, but it had failed to do so and continued to raise the wrong bills till filing of the present complaint.
6. The matter was earlier listed before the Commission on 09.01.2007 when Sh. R. C. Mehta, AVP of the Respondent Licensee, had categorically stated that the bills have been withdrawn against connection with K. No. 122364 from July, 2002 when the BRPL took over the business from erstwhile DVB. Sh. Mehta also admitted before the Commission that there was no second connection in the said premises. The Commission vide its order dated 05.02.2007 had directed the Respondent DISCOM to file written reply supported by a duly executed affidavit within 15 days.
7. In compliance to the said order a written reply was filed by the Respondent Licensee wherein, it was submitted that the billing against connection no. 122364 and 122363 was a case of 'double billing' and that the matter has been taken up with the DPCL vide their note dated 01.02.2007 for approval so that wrong demand of Rs. 37,52,780.94 raised against K. No. 122364 was neutralised and the security deposit refunded to the Complainant on receipt of response from DPCL which was awaited till then.
8. It was further submitted in their written reply that the electricity connection K. No. 122363 was sanctioned in the name of Sh. R. K. Mittal having sanctioned load of 60 kw for NX purpose, but inadvertently, K. No. 122364 was punched instead of K. No. 122363 and the computer started raising the demand against K. No. 122364 as well as K. No. 122363. The mistake was initially

detected somewhere in the middle of 1997 and the double billing was stopped. The mistake was rectified and the connection was rightly coded as 122363, but K. No. 122364 could not be deleted from the data which was again picked up by the computer due to technical fault and the computer started raising double billing in respect of K. No. 122363 and K. No. 122364 w.e.f. January, 2003. The Complainant continued making the payment against K. No. 122363, but the arrears against K. No. 122364 got accumulated.

9. In November 2004, the matter was referred to the Key Consumer Cell Division which rectified the mistake and neutralised the demand. The Respondent have already directed its officials to remove the meter from the Complainant's premises. The Respondent have further submitted that there are no dues pending against the electricity connection no. 9VP504122363. They have further submitted that the security deposited by the Complainant would be refunded on receipt of response from DPCL as this case has been forwarded to the DPCL.
10. The Respondent have admitted that this was a case of 'double billing', but stated that this dispute is caused by erstwhile DVB and cannot be attributed to the Respondent.
11. Sh. V. K. Goel, Counsel for the Complainant, argued before the Commission that due to the reckless and careless behaviour of the Respondent the Complainant had to suffer a lot. The callous attitude of the Respondent Licensee compelled the Complainant even to get his other electricity connection disconnected because of double billing.
12. Sh. R. R. Panda and Sh. A. Gujral, the Representatives of the Respondent, submitted that the double billing was stopped/got rectified, but due to the technical fault the computer started raising bills against the Complainant.
13. It has been observed that the Respondent Licensee did nothing substantial to rectify error till 2006 when again, the Complainant was handed over a bill for Rs. 56,27,546/- in violation of Regulations 13 of the DERC (Performance Standards – Metering & Billing) Regulations, 2002. It is really shocking and reflects poorly about the functioning of the Respondent Licensee that the matter has been allowed to remain pending for years despite repeated requests by the Complainant. Giving bills to the Complainant showing arrears with several lakhs against a connection which never existed in his premises and then not taking any timely action to rectify the same, speaks volumes about the plight of the Complainant and callous attitude of the Respondent Licensee. It is evident that the Respondent Licensee swung into action only

when the present Petition was filed before the Commission. This is a glaring example of deficiency in service and lack of sensitivity towards the consumer complaints. The Commission feels that such an attitude of a DISCOM in the Capital of the Country is highly deplorable and cannot be overlooked or condoned and calls for an exemplary penalty besides a suitable compensation to the Complainant for the harassment undergone by him for all these years.

14. In view of the above, the Commission award a compensation of Rs.50,000/- to the Complainant for the mental agony/harassment undergone by him for all these years. The Commission also imposes a penalty of Rs.50,000/- against the Respondent Licensee. The Respondent shall consider recovering these amounts from the salaries of the officers responsible. The Respondent is further directed to substantially improve its complaint handling mechanism and ensure that all complaints are attended to and resolved in a time bound manner as laid down in the DERC Supply Code and Performance Standards Regulations, 2007, so that the consumers are not put to such an avoidable harassment in future. We only hope that the Respondent DISCOM will take a lesson from this incident and ensure that such incidents are not repeated in future.
15. The CEO, BRPL shall personally look into this case and resolve such other cases, if any, in the DISCOM area so that the consumers have not to approach this Commission or any other Forum or Authority, by filing individual complaints. The order shall be complied with within 30 days from the date of receipt of this order.
16. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(Berjinder Singh)
CHAIRMAN