

ELECTRICITY OMBUDSMAN, RAJASTHAN JAIPUR

Case No. : EOR – 428/2018

In the matter of representation filed before the Electricity Ombudsman,
Rajasthan, Jaipur by

Shri Mukesh Mehta
Bheru Gate
Bundi - 323001

Appellant

v/s

Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath,
Jaipur – 302 005

Respondent

Represented by

Appellant: Shri Mukesh Mehta (Appellant)

Respondent: XEN (Div -I) JVVNL, Bundi
Shri Ajatshatru Singh, Advocate

Heard on 21.3.18 in presence of

Respondent: XEN (Div -I) JVVNL, Bundi

Coram
G. R. Choudhary
Electricity Ombudsman,
Rajasthan

Award

Date: 21.3.18

1. Registration of the case

The Appellant filed the representation on 30.1.18 before the Electricity Ombudsman, Rajasthan which was registered on the same day at Case No. EOR – 428/2018.

2. Brief of the case

The Appellant is having an electricity connection under Domestic category (A/C no. 1738-0054) for Sanctioned connected load of 1 kW, under the area of AEN (A-1), JVVNL Bundi in Bundi district of the Respondent. The minimal facts leading to this representation are narrated hereunder:

- 1) The Respondent debited INR 350/- illegally under the head of "other due" in the electricity bill Sep'17 to the Appellant.
- 2) The Appellant approached the Sub Division Level Grievance Redressal Settlement Forum of the Respondent at Bundi (**Forum** in short) for redressal of his grievance.
- 3) The grievance of the Appellant was not heard by the Forum within prescribed time limit of 45 days, the Appellant filed the representation before the Electricity Ombudsman for redressal of his grievance.

3. Representation

The representation along with documents submitted by the Appellant averred as under:

- i. The Appellant stated that he received an electricity bill for the month Sep'17 of Rs. 1045. In this bill an amount of Rs 350 was illegally debited under "other due" head. The Appellant paid this bill online on 18.9.17 for Rs 1045/-.
- ii. The Appellant filed a grievance application along with fee through cheque to sub-divisional forum.
- iii. The AEN (A-1), JVVNL, Bundi en-cashed this grievance application fee on 22.9.17, but did not call any meeting and did not give any decision.
- iv. The Appellant received a hand corrected bill of Nov'17, in this bill Rs 350 has been shown as credit, and total amount has been hand corrected, giving effect of credit of Rs 350. Since, this bill was not corrected online, so the Appellant paid full bill amount Rs 878/- online on 21-11-2017, in anticipation that this excess amount will be reflected in next bill of Jan'18.
- v. Then the Appellant received bill of Jan'18 for Rs 383. This bill did not show any credit of Rs 350, which was given by hand correction in bill of Nov'17. In-fact, AEN (A-1), has not passed any order of forum, he just hand corrected the Nov'17 bill, to mislead the Appellant, without giving effect through CC&AR.
- vi. The Forum did not fix any date for hearing and not gave any decision. This is violation of Regulations 7(1) and 8 of Redressal of Grievance Regulations 2008, for not passing any order, thereby depriving the Appellant of opportunity of redressal system. This has caused mental harassment and inconvenience to the Appellant and he incurred unnecessary expenses and waste of time and energy in filling appeal before Hon'ble Ombudsman
- vii. Relief sought from Electricity Ombudsman:
 - a) To direct the Respondent to give credit of Rs 350 along-with interest from 18.9.17 till date of adjustment of this amount.
 - b) To direct the Respondent to grant Rs.1000 for mental harassment and inconvenience and unnecessary expenses incurred by the Appellant.

4. Processing of the case

- 1) The notices were served on dated 30.1.18. A copy of the representation received from the Appellant was forwarded in terms of the **Regulation 7(1)** of the RERC (Settlement of Disputes by Electricity Ombudsman) Regulations, 2010 (**Electricity Ombudsman Regulations** in short), to the Respondent and the Forum for sending reply / comments/ factual report, so as to reach to the Electricity Ombudsman by 28.2.18 along with necessary supporting documents and the proof of serving a copy of the same to the Appellant.
- 2) The Appellant was also asked to furnish his comments, if any, on the Respondent's reply, to the Electricity Ombudsman by 12.3.18 along with a proof of serving a copy of the same to the Respondent.

5. Replies, comments and arguments

- 1) The Respondent furnished the reply to the representation on 5.3.18 along with a proof of serving a copy of the same to the Appellant.
- 2) No reply/ comment on the Appellant's representation were received from the Forum.
- 3) The Appellant did not furnish the comments on the Respondent's above reply.
- 4) The case was heard on 21.3.18 in presence of authorised representatives of both the parties, listed above.
- 5) The Respondent's reply and the arguments furnished during the hearing have been summarised as under:
 - i. The Respondent stated that in the instant case the Appellant filed an online complaint about not receiving the electricity. The Respondent inspected the site and concluded that because sparks arose inside the meter, the supply was hampered.
 - ii. Thereafter the Respondent changed the meter of the Appellant and added the cost of the meter in Appellant's account.
 - iii. The Respondent adjusted the charged additional cost of INR 350/- along with the interest of INR 28/- in the bill of Mar'18.
 - iv. The Respondent stated that in the light of the facts, law cited and the law as laid down by the EOR, the instant appeal is liable to be dismissed.
- 6) During the hearing only Respondent was present and stated that the grievance of the Appellant has already been resolved so that pending appeal may be disposed off accordingly.

6. Analysis of the case

Based on the written statements / documents provided by both the parties, arguments made during the hearing and considering the applicable provisions of the Act, relevant Rules & Regulations, Tariff and TCOS etc, the case has been analysed as under:

Credit of INR 350/-

The Respondent accepted that they wrongly charged the INR 350/- in the billing month of SEP'17 against the cost of the meter. The Clause 30 (1) of TCOS in the matter of Replacement of meter reads as under:

In case of a stopped/defective/burnt meter the Nigam shall inspect and replace the metering system at its cost unless it is established that the system has been tampered or damaged in any way including excess load, by the consumer, in which case the consumer shall bear the cost.

In the instant case on realizing the mistake the Respondent credited INR 350/- along with interest INR 28/- in the billing month Mar'18. Hence the grievance of the Appellant was redressed by the Respondent.

7. Award on Representation

After due consideration of the analysis of the case as above, the Electricity Ombudsman hereby pass the award under **Regulation 8** of the Electricity Ombudsman Regulations, as under:

- 1) Keeping in view of the facts that the Appellant's grievance has already been redressed by the Respondent which is clear from the electricity bill issued to the Appellant for the month of Mar'18; as such the representation under reference is stands disposed off accordingly.
- 2) No order as to cost.

(G.R.Choudhary)
Electricity Ombudsman,
Rajasthan