

ELECTRICITY OMBUDSMAN, RAJASTHAN JAIPUR

Case No. : EOR 432/2018

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

M/s Indus Towers Ltd.,
G-Business Park, 3rd Floor, D-34,
Subhash Marg, C- scheme
Jaipur-302001

Appellant

v/s

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

Respondent

Represented by

Appellant: Shri Rupesh Verma, Manager Energy

Respondent: XEN(O&M), JVVNL, Baran,
Smt Suman Shekhawat, Advocate

Heard on 9.5.18 and 21.5.18 in presence of

Appellant: Shri M.S.Naruka, Representative(On 9.5.18 only)

Respondent: XEN(O&M), JVVNL, Baran, (On 9.5.18 only)
Smt Suman Shekhawat, Advocate

Coram
G.R.Choudhary
Electricity Ombudsman,
Rajasthan

Order

Date: 21.5.18

1. Registration of the case

The Appellant filed a representation on 13.3.18 before the Electricity Ombudsman, Rajasthan which was registered on same day at Case No. EOR – 432/2018.

2. Brief of the case

The Appellant is having an electricity connection in Non Domestic category (A/c No. 1709-0606) for sanctioned connected load of 18 kW, at Shahbad under AEN (O&M), JVVNL Shahbad in Baran district of the Respondent. The minimal facts leading to this representation are narrated hereunder:

- i. The Appellant was having grievance regarding debit of Rs 211760/- in the electricity bill of Nov'17 raised by audit on account of average billing for the meter stop period (May'10 to Sep'12). The Respondent took the average consumption of succeeding six months period i.e. after replacement of the meter.
- ii. The Appellant approached the Circle Level Grievances Redressal Forum of the Respondent at Baran (Forum in short) for redressal of his grievance. The Forum accorded it's decision on 15.1.18.
- iii. Being not satisfied by the decision of the Forum, the Appellant filed the representation before the Electricity Ombudsman for redressal of it's grievance.

3. Representation

In the representation along with documents submitted, the Appellant stated as under:

- I. The Appellant stated that in the electricity bill of Nov'17 an amount of Rs. 211760/- was added as other charges. On enquiry it was made to known that the above amount has been debited on account of revision of bills for the period from May'10 to Sep'12 by taking succeeding period average after replacement of meter.
- II. The Appellant stated that the documents were made available at the time of hearing; the average was taken after the replacement of meter i.e. succeeding consumption, whereas as per TCOS it should be of preceding consumption. The preceding consumption was available as per binder i.e. for billing month from May'09 to Sep'09.
- III. As per TCOS clause 30(2) (Replacement of meter), 5% rebate should be given from May'10 to Sep'12 or up to replacement of meter.
- IV. The Forum did not grant any relief to them in the meeting held on 15.01.2018. by ignoring all facts and rules
- V. The Forum heard the Appellant in the meeting held on 15.1.18 and decided to take average of 12 months instead of six months ignoring LPS. In the minutes of meeting (of Forum) it is mentioned that consumer is agreed with the decision of the Forum but the Appellant signed on it mentioning disagreement.
- VI. The relief sought from The Ombudsman:
 - a) To direct the Respondent to quash the charging done.
 - b) To direct the Respondent to refund the excess amount charged with 18% interest.
 - c) To direct the Respondent to give 5 % rebate as per TCOS clause 30(2).
 - d) Any other relief in the interest of justice.

4. Processing of the case

- 1) The notices were served on dated 13.3.18. 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 11.4.18 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 20.4.18 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 13.4.18 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 case was heard on 9.5.18 in presence of authorised representatives of both the parties, listed above.
- 4) The Respondent's reply and the arguments furnished during the hearing have been summarised as under:
 - a. The Respondent stated that the Appellant approached the Ombudsman being not satisfied by the decision of the Circle Level Grievance Redressal Committee upon his grievance. In the meeting, the Settlement Committee concluded that the amount is recoverable as calculated by the audit for the period 2008 to 2013 (correctly May'10 to Sep'12).
 - b. As per decision, the committee ordered the Appellant on 15.1.2018 to pay Rs. 1,40,413/- on the basis of average of 6 electricity bills (i.e. 12 months). So the correct bill was prepared and given to the Appellant. There is no error in this revised bill so it is correct report given by the Respondent.
 - c. In case of 5% rebate according to the TCOS Rules, the Respondent considered it on by the records and concluded it.
 - d. The Respondent prayed that this reply may be taken on record and the case may be dismissed qua answering the Respondent with costs throughout.
 - e. During the hearing on 9.5.18 in absence of point wise reply by the Respondent the date of hearing postponed to 21.5.18 and interim order passed to submit the reply again till 16.5.18. to analyse the case properly.
 - f. The Respondent sent a mail on 16.5.18 and 21.5.18 (hard copy was also received on 21.5.18) in which it was stated by them that they have decided to review the audit charges as per clause **27(1)(i)**. The average consumption for meter stopped period will be taken on the basis of consumption recorded during preceding six months i.e. May'09 to Sep'09 from the month in which meter stopped. The Respondent stated that they have revised the chargeable amount of audit and excess amount taken will be credited in favour of the Appellant.

- g. On 21.5.18 a letter was received from the Appellant in which they stated that the matter has been resolved by the Respondent, hence they want to withdraw the case EOR 432/2018.
- h. During the hearing on 21.5.18 the Respondent also stated that they have decided to review the audit charges as per clause **27(1)(i)** for which the Appellant has agreed and requested to accept the withdrawal application of the Appellant.

6. Order on Representation

In view of the Appellant's request as above, the Electricity Ombudsman allows the Appellant to withdraw the said representation. Accordingly, the case registered at No. EOR – 432/2018 stands settled and disposed off with no orders as to cost.

(G.R.Choudhary)
Electricity Ombudsman,
Rajasthan