

BEFORE THE ELECTRICITY OMBUDSMAN, JHARK HAND
4th floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001

Case No. EOJ/02/2015

M/s Inderchand Rajgarhia & Sons (P) Ltd. Appellant

Versus

JUVNL & Others Respondent(s)

Present:

Electricity Ombudsman : Shri Ramesh Chandra Prasad

Advocate for the Appellant : Sri. D.K.Pathak

: Sri.Navneet Prakash

: Sri. Saket Upadhyay

For the Respondent : Sri. Rahul Kumar

: Sri. Prabhat Singh

ORDER

(Order passed on this 09th day of May, 2016)

1. Brief of the Case:

The instant execution petition is filed on 09/02/2016 for direction upon the Respondents to comply the order dated 22.05.2012 passed in case No. 37 of 2011 which has been confirmed vide order dated 02.12.2015 passed in Appeal No. EOJ/07/2012.The Order/ (Reliefs and Directions to the Parties) of the learned VUSNF, Ranchi is as under:

“In the result therefore, the impugned energy bills (Annexure- 4 & 10 of the petition) as well as the impugned legal notice (Annexure-8 of the petition) are hereby quashed and the O.P. Board is directed to raise energy charges since October’2010 to 14.11.2011 as indicated in para 4.3 hereinabove. It is hereby made clear that the energy charges for the

impugned period shall not carry any DPS. The payment already made by the petitioner in terms of the interim order/orders of this forum shall have to be adjusted in revised bills. The Board shall accordingly issue revised bills for the impugned period. This case accordingly stands allowed and disposed of.”

2. Submission of the Appellant:

2.1 The learned advocate submitted that a final bill dated 22.03.2016 has been served by the respondents in purported compliance of the order passed in EOJ/07/2012 as well as in Case No.37 of 2011 of VUSNF, Ranchi. Interestingly, neither any affidavit has been filed showing compliance of the order nor even any detail of the calculations has been submitted by the respondents to explain as to how and in what manner they have calculated the revised bill from October, 2010 to November, 2011 to the tune of Rs. 8,77,544. It transpires from the bill dated 22.03.2016 that the respondents have wrongly calculated the total amount paid by the appellant during the disputed period which comes to Rs. 13,05,964/- up to October, 2011 whereas the respondents have taken the total payment received as Rs. 10,54,403/- only.

2.2 The learned advocate further submitted that total amount paid to the respondents during disputed period from 27/01/2011 to 16/01/2012 is to the tune of Rs.13,05,964 and exhibited copies of the payment receipts during course of discussion.

3. The learned advocate submitted that as per order dated 22.05.2012 of the learned VUSNF, Ranchi the energy bill for the period October, 2010 to 14.11.2011 was supposed to be revised/determined on the basis of consumptions recorded in the new meter from 15.11.2011 to 30.05.2012 which comes to 52363 units. Thus, during six and half months the total

consumption comes to 52363 units and therefore, the average comes to 8056 units. The energy charge up to July, 2011 in category of the appellant was Rs. 4.35 and from August, 2011 enhanced to Rs. 4.90. Thus for initial period of 10 months the unit shall be $8056 \times 10 = 80,560$ and the energy charge thereof shall be Rs. 3,50,436/-. Similarly for remaining three months the unit shall be $8056 \times 3 = 24,168$ and the energy charge thereof shall be Rs. 1,18,432/-. Thus, the total energy charge for the disputed period comes to Rs. 4,68,859. Moreover, the KVA charge up to July, 2011 being Rs. 165 per KVA and from August, 2011 as Rs. 205/- KVA. The appellant's KVA has not gone up to 75% and hence even if it is being charged on the basis of 75% of the contract demand the appellant is supposed to pay the KVA charge for 158 KVA per month. Thus for first 10 months the KVA charge shall be $158 \times 10 \times 165 = \text{Rs. } 2,60,700/-$ and for remaining 3 months it shall be $158 \times 3 \times 205 = \text{Rs. } 57,170/-$. Thus the total KVA charge during the disputed period comes to Rs. 3,57,870/-.

Therefore, based on the aforesaid calculation total payable dues against the energy charge and KVA charge come to Rs. 4,68,859/- + Rs. 357870 = Rs. 8,26,729 only, whereas for the disputed period the respondents have raised a sum of Rs. 8,77,544 by way of revised bill and, that too has not been explained properly by the respondents.

4. The learned advocate further clarified that appellant's dues on the date of disconnection was Rs. 1,82,721 only and, if the arrear amount and the revised bill for the disputed period is taken into account it comes to Rs. 826729 + Rs. 1,82,721 = Rs. 10,09,450/- whereas the total payment made by the appellant during the disputed period comes to Rs. 13,05,964. Based on the aforementioned calculation, total amount to be refunded to the appellant comes to (Rs. 13,05,964 - 10,09,450) i.e. Rs. 2,96,514. Instead of

refund of Rs. 2,96,514/- the respondents have claimed Rs. 5,862/- as due from the appellant which is absolutely wrong and hence there is no compliance in terms of the order passed by the learned Forum. Though the respondents have shown compliance in terms of the order passed in EOJ/07/2012 but apparently, there is calculation/accounting mistake on the part of the respondents which requires revisit so that excess payment made may be realized.

5. Submission of the Respondent:

5.1 The learned counsel submitted that the averment made in respect of payment made by the appellant requires cross check .On scrutiny if it is found that excess amount has been paid by the appellant then in that case the same will be refunded to the concerned party.

6.The learned counsel for the Respondent presented revised energy bill for the disputed period (October2010 to 14-11-2011) on 9th May, 2016 the date fixed for orders wherein reflects an amount to the tune of Rs.(-) 2,94,138.00 against Payment & Correction column, meaning thereby, the Respondent owes the aforementioned amount to the Appellant. The learned advocate appreciated action taken by the respondents and prayed for awarding definite time line for refund of the excess amount paid to the respondents as the factory is closed since long having no business transaction with them. The learned counsel opposed the contention of the other side on the very ground of having made full compliance of order of the learned VUSNF.

7. Heard both the parties and carefully gone through the material on record. From perusal of the revised energy bill issued vide letter No.359 dated 11/04/2016 for the disputed period (October2010 to 14-11-2011) under signature of the Electrical Executive Engineer (C&R), Electric Supply

Circle, Koderma, refundable amount reflected in the bill is Rs.2,94,138.00 (two lakh ninety four thousand one hundred &thirty eight) only which is very close to what the Appellant has mentioned in their petition.

8. In the result, the petition is allowed. The Respondent is directed to refund the excess payment to the tune of Rs.2,94,138.00 within 30 days from issue of this order to the Appellant.

9. Compliance to be reported by the Respondent within two months.

10. With the aforementioned order the instant Execution Petition stands disposed of with no order as to costs.

Let a copy of this order be served on to both the parties.

Sd/-
Electricity Ombudsman