

**BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND**  
**4<sup>th</sup> floor, Bhagirathi Complex, Karamtoli Road, Ranchi – 834001**

**Case No. EOJ/06/2006**

**Dated- 13<sup>th</sup> Sept. 2007**

**Smt. Gulabi Devi** ..... **Appellant(s)**  
**Versus**  
**JSEB through its Chairman & others** ..... **Respondent(s)**

**Present:**

**Shri Sarju Prasad** ..... **Electricity Ombudsman**  
**Shri N.K. Pasari (Advocate)** ..... **Counsel for the Appellant(s)**  
**Shri Rajesh Shankar (Advocate)** ..... **Counsel for the Respondent**

**J U D G E M E N T**

1. This appeal has been preferred by the appellant (Smt. Gulabi Devi) after being aggrieved with the order/ judgement dated 19/9/07 passed by The Vidyut Upbhokta Sikayat Niwaran Forum (In short VUSNF) in case no. 13/2006.
2. The brief facts; giving rise to this appeal is that the appellant (Smt. Gulabi Devi) was having a connected load of 2 Kilowatt under commercial service tariff category duly sanctioned by the Electricity Board. There was an inspection of the premises of the appellant on 24/04/02 when it was detected that the appellant was having a welding machine which was kept under the staircase and was installed one air-conditioning of one ton capacity. The inspecting team detected that instead of 2 Kilowatt, the appellant is consuming electricity to the extent of 20 Kilowatt. Therefore, on the basis of inspection a compensatory energy bill for the month April, 2002 was issued in which a sum of Rs. 1,10,369/- was indicated as energy charges for 20 Kilowatt of the load.
3. According to the appellant though the welding machine was found kept under the staircase and one air conditioner was also there but both were not connected with the electric supply line therefore the inspection team has wrongly included 13 Kilowatt of load for welding machine and the air conditioning and as a matter of fact the load should not be more than 8 Kilowatt.
4. The appellant has challenged the bill for the month of April, 2002 before the Consumer Grievance Redressal Forum (Forum for looking into the grievance of the consumer redressal constituted by the respondent herein referred as CGRF). The CGRF in case no. 60/2003 by judgement dated 04/12/03 directed that the compensatory bill for load of 20 Kilowatt should be raised in pursuance of the clause 16.9 (A) (IV) of the

terms and conditions of the tariff order of 1993 upto 26/04/02 only and there shall be no compensatory bill after 26/04/02. It was also directed to the respondent to re-inspect the installation and assess the correct load within a week of issuance/ production of the order of the CGRF and till such time re-inspection of the premises is done and load is assessed, the respondent shall raise the normal bill upon the petitioner for a connected load of 8 Kilowatt, till the date of re-inspection. The DPS accrued on account of the wrong billing shall remain withdrawn.

5. The appellant did not challenge the order of the CGRF. Rather, a representation was made for raising compensatory bill in accordance with the direction given by the CGRF.

6. The respondent had raised in the compensatory bill upto 26/04/02 applying the following formula given in clause 16.9(A) (IV) is as under:

**Assessment Charges: - Rs. CXM (LD-LS) X3**

**Where,**

M = Minimum consumption guarantee charge per BHP per month as applicable in the tariff schedule.

LD = is the load detected in BHP at the time of inspection.

LS = is the load sanctioned to the consumer in BHP.

C = this factor be taken equivalent to six months or no. of months or part thereof elapsed from the date of connection/installation, whichever is less”.

7. The appellant has challenged this bill before the VUSNF and the VUSNF by the impugned judgement/ order dated 19.09.2006 passed in case No. 13/2006 and held that the respondent has correctly assessed compensatory charges.

8. Being aggrieved by the judgement and order of the VUSNF, the present appeal has been filed by the appellant. According to the appellant since the air conditioner and welding machine were not connected to supply line therefore the load of 13 Kilowatt for these two machines should not have been included as load at the time of inspection. The second contention of the appellant is that as per the order of CGRF only compensatory bill should have been calculated for three days i.e. from 24/04/02 to 26/04/02 but the respondent has raised compensatory bill for 180 days which is unjustified. The third contention of the appellant is that only unit charges are to be multiplied by three and fuel surcharge as well as other fixed charges is to be charged single time only as per the order of the CGRF and no DPS has to be levied for above referred compensatory bill.

9. The learned lawyer for respondent, on the other hand, submitted that compensatory bill has been raised strictly in accordance with the formula as provided under clause 16.9(A) (IV) of the tariff order which was applicable at that time. The respondent has produced the tariff order from which it appears that the compensatory bill is to be assessed in the formula given below:-

**IV. When connected load is more than the sanctioned load in case of all categories of LT connections except domestic Service:**

**Assessment Charge: - Rs. C X M (LD-LS) X 3**

Where,

BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND

- M = Minimum consumption guarantee charge per BHP per month as applicable in the tariff schedule.
- LD = is the load detected in BHP at the time of inspection.
- LS = is the load sanctioned to the consumer in BHP.
- C = this factor be taken equivalent to six months or no. of months or part thereof elapsed from the date of connection/installation, whichever is less”.

10. On careful perusal of the provisions of tariff order of 1993 as contained in clause 16.9(A) (IV) which was also admitted by the appellant in the para 28 of memo of appeal at page 8, I find that the respondent has made assessment of charges strictly in accordance with the given formula and there is nothing irregularity or illegality in the assessment of charges.

11. The learned lawyer for appellant has submitted that the assessment of compensatory bill must be limited only three days i.e. from 24.04.02 to 26.04.02 as per order of CGRF but the respondent has incorrectly interpreted the fact. As per the order of CGRF which has not been challenged by the appellant, the compensatory bill is to be raised on the basis of inspection dated 24.04.02 upto 26.04.02 only not beyond that period. Therefore the submission of the learned lawyer for appellant that assessment should be for three days only, is not correct. As matter of fact, the provision for assessment of charges contained as 16.9(A) (IV) of the relevant tariff order is a punishment to the consumer for utilizing more connected load then the sanctioned load and the factor (C) in the formula have been mentioned as equivalent to six months or number of months or part thereof elapsed from the date of connection/installation. It is admitted that the connection of load is more than six months therefore 180 days has been taken into consideration for value of C

12. The learned lawyer for the respondent has satisfactorily shown that no DPS has been charged as per the order of CGRF for assessing energy charges and DPS which has been charged, is only after the default on payment by the appellant.

13. During the course of argument, the learned lawyer for appellant has not been able to satisfy that the fuel surcharge and other fixed charges have been calculated thrice. The submission of the learned lawyer for respondent is that fuel surcharge and fixed charges have not been calculated thrice, rather; it has been calculated only one time. The learned lawyer of appellant has not been able to show that the judgement of the VUSNF is unjustified. The appellant has relied upon the Supreme Court judgement reported in 2003(5) SCC page 226 which supports the case of the respondent.

14. The one of the contention of the appellant is that the welding machine and air conditioner were not connected to supply line which appears to be contradictory because we find that in their applications before VUSNF, the appellant has admitted that air conditioner was connected and before the CGRF it has also been admitted that welding machine was being used during the renovation of the premises of the appellant. Therefore; I find that the finding of the VUSNF and the assessment of the respondent are not incorrect or illegal. I do not find any merit in this appeal; hence the appeal is dismissed with direction to make full payment of the bill as assessed by the respondent within 15 days of this order.

Sd/-

BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND

Dictated & Corrected by me

Electricity Ombudsman

(Sarju Prasad)  
Electricity Ombudsman