

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-4 Telefax: 23216005
Email : comdis.delhi@nic.in
[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/734/2014-Wel./CD/2853

Dated: 16-03-2015

In the matter of :

Ms.Prabha Shah

G-23, Gaurav Apartments
Saket, New Delhi-110017

..... **Petitioner**

Versus

Sh.Vijay Kumar

Chief Executive Officer

Delhi Jal Board

Varunalaya Phase-II, Faiz Road

Karol Bagh, New Delhi-110005

.....**Respondent**

ORDER

1. A petition was received from Ms.Prabha Shah a disabled person and a resident of G-23, SFS Flats Saket New Delhi alleging harassment by Delhi Jal Board.
2. The Chief Executive Officer Delhi Jal Board was directed to send his comments on the issues raised in the petition. A hearing was fixed as no comments were received from Delhi Jal Board.
3. The facts of the case are that the petitioner a disabled person who has been staying alone at G-23, S.F.S Flats Saket Delhi for over three decades had been paying water bills regularly from 1984 to mid 2010. She received an exorbitant water bill in mid 2010 even as the consumption of water in her flat was modest and even after making several complaints with Delhi Jal Board the bill was not corrected. The petitioner has alleged that the current outstanding amount against her of Rs.32,000/- is a case of arbitrariness and harassment to extract some undue money. The petitioner requested for directing the Chief Executive Officer Delhi Jal Board for investigating the matter

and charge her on the basis of consumption and to pay compensation of Rs.20,000/- for harassment and for causing mental agony.

4. The representative of the Chief Executive Officer Delhi Jal Board filed a reply indicating that the bills are as per the actual consumption recorded by the meter Reader and reasons of increase in consumption are best known to the applicant. It is a matter of record the petitioner has not paid any amount to Delhi Jal Board after December 2010. The last bill of Rs.2064/- for the period ending 21.12.2010 was paid by the applicant. There is no intention to harass anyone on the part of Delhi Jal Board and the allegation of arbitrariness is also denied. The petitioner has not made any request for revised bill. The officers of the Board are doing their duty diligently and honestly. The amount of bill suddenly increased due to increase in consumption and enhancement of tariff by 10% every year as well as change in slab due to increased consumption. The allegation that there was 400% increase is wrong and denied as the amount of bill Rs.4382/- for 50 days increased only on the basis of increased in consumption of 129 units in comparison to 42 units. The increase in amount depends upon the increase in consumption i.e excessive reading 129 units from 8.2.11 to 21.8.11 in comparison to 42 units from 28.6.10 to 17.9.10. All bills were prepared on the meter reading basis and therefore the billing was as per the actual consumption. As per the Delhi Jal Board norms bills are generated when the water meter is in running condition. In case of stoppage of meter/default; average bills are generated. The request for waiving off the penalty and charging bill from 21.12.2010 to till date on the basis of previous consumption at the prevailing rates is not in order because neither the reading is incorrect nor the meter is faulty and bills were generated on meter reading basis.
5. I have gone through the petition as well as the replies filed by the representative of Chief Executive Officer Delhi Jal Board. Rule 82 of Delhi Jal Board Tariff Regulation 2012 states as follows **Quote** "If a person liable for payment of any charges does not within thirty days of the service of the notice of demand on him under Section 55, pay the sum due he shall deemed to be in default (2) A person in default shall in addition to the charges due including interest and demand fee be liable to pay such penalty as may be determined by the Board extending to such sum not exceeding 20% of the amount of the charge and the same penalty shall be recoverable along with other arrears." **Unquote**.

6. I have carefully perused the petition and the replies filed by the representative of Chief Executive Officer of the Board. The contention of the petitioner that there was a sudden exorbitant increase in the water bill has been refuted by the representative of the Chief Executive Officer Delhi Jal Board. The increase was due to various factors which include increase in tariff rate; change in slab with increased consumption; penalty etc. It is also a fact that the petitioner never complained of the water metres being faulty or any such thing. As pointed out by the petitioner there are variations in the billing amount as follows : (i) Rs.4338/- for 131 days (ii) Rs.3153/- for 111 days (iii) Rs.183 for 49 days (iv) Rs.9409.31/- for 193 days i.e Rs.1020/-; Rs.840/- ; Rs.1310/- for one month leaving amount Rs.183/- for 49 days. It may be seen the billing shows a variation from Rs.840/- to Rs.1310/- which does not appear to be on a very high side and it has been well explained by the representative of the Delhi Jal Board. In the facts and circumstances of the case the increase in the amount of bill appears to be due to change in the slab and yearly increase in the rate of tariff and it may not be possible to direct the Chief Executive Officer Delhi Jal Board to charge the petitioner on the basis of average consumption of previous years and to pay any compensation.
7. Ordered accordingly.



Given under my hand and the seal of the Court this 16th day of March 2015.

K.S. Mehra
16/3/15

(K.S. Mehra)
Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
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