

**OFFICE OF
THE ELECTRICITY OMBUDSMAN
ASSAM ELECTRICITY REGULATORY COMMISSION**

FILE NO. EOM. 39/2020

Petition No.: 1/2020

Name of Petitioner: M/s. K.D. Infra,
2nd Floor, Subham Velocity, Walford,
Above Passposrt Seva Kendra, Hanuram Boro Path,
Guwahati - 781005

ORDER SHEET

25.11.2020

The grievance of the petitioner in this case is against the surcharge amounts of Rs. 20288.00 and Rs. 18525.00 levied on them by the respondent authority vide bill No. M073H002- 4000124339 dated 13.05.2019 and No. M073H002 – 7000139018 dated 08.07.2019 for delay in bill payment against bill No. 40036610167 dated 09.04.2019 for Rs. 13,52,539.00 and bill No. 7000132474 dated 11.06.2019 for Rs. 12,35,002.00 respectively. The claim of the petitioner here is that payment of the bill amounts was made by them digitally through the designated payment gateway Billdesk within the timeline and therefore they are not liable for surcharge if the bill amounts were not credited into the account of the respondent authority in time. The petitioner on receipt of subsequent energy consumption bill with surcharge amount took up the matter with their bank the State Bank of India and approached the respondent authority with the written responses of the bank on the matter to substantiate their claim that payment was made by them through corporate banking within the time line and therefore not liable for surcharge for delay in payment for no lapse on their part. Being aggrieved at non redressal of their grievance by the concerned authorities the petitioner has now approached this office for relief.

Now on perusal of the letter No. AM/IRCA-II/APDCL/LP/A-341/341 dated 19.10.2020 of the Area Manager, Industrial Revenue Collection, Area-II, APDCL, Jalukbari, Guwahati along with the enclosures and the written submission of the petitioner in the case the two facts that emerge before us are as under:

1. The payment of the electricity bill amounts made digitally by the petitioner through the designated payment gateway Billdesk was not transferred to the bank account of the respondent authority within the timeline.
2. The petitioner, however, made payment of the bill amounts digitally within the timeline only to learn later that the amounts were not transferred to the account of the respondent authority as intended.

The reasons for the failure of the transaction not materializing in the transfer of the amounts to the account of the respondent authority within the timeline as intended can be seen in the written responses of the payment gateway Billdesk and the State Bank of India to the written communications made by the respondent authority on the matter as enclosed with the aforesaid letter of the Area Manager, APDCL. The responses of the above two entities reveal that the reasons for the failure of the transactions not happening on real time basis lie in the extant processes

between them (Maker and Checker) as explained therein but not due to any fault on the part of the petitioner, the same being not in their control.

Being confronted with a rather unusual issue and on appreciation of the peculiarity surrounding the same the respondent authority conveyed its concern by posing the query to Billdesk and the State Bank of India as to “What can be done from Billdesk or State Bank of India or APDCL to settle such transactions on real time basis for corporate banking customers so that the customers do not have to face such issues?” Implicit in this query of the respondent authority is the realization that in spite of payment of the bill amounts by the petitioners within the timeline the money did not get transferred to their account accordingly in time because of the transactions not happening on real time basis between the payment gateway and the bank due to their respective “processes” in place.

Now in view of the above discussion notwithstanding the fact that the bill payment amounts were not credited into the account of the APDCL within the time line despite payment made by the petitioner digitally through the designated payment gateway in time it is in the fitness of things that the respondent authority should examine the matter in its proper perspective and taking a pragmatic view of the whole issue consider allowing exemption in favour of the petitioner in respect of the surcharge amounts or cover the case under some surcharge waiver scheme so that consumers willing to make bill payment digitally are not demotivated and dissuaded from doing so to the detriment of the national endeavor for cashless, paperless and faceless digital payment. The bill payment history of the petitioner should also be considered alongside.

The petition is disposed of accordingly.

Sd/-
Electricity Ombudsman