From

The General Manager/Commercial,
UHBVN, Panchkula

To

All CEs (OP) /SEs(OP)/XENs(OP)/SDOs(OP),
JE-I Incharge Sub office in UHBVNL.

Memo No: -Ch-29/RG-230/L/C-II
Dated: - 15.01.2008

Subject: - Scheme for Out of Court Settlement of pending Court Cases/Arbitration Cases.

In order to avoid prolonged litigations and to settle long pending court cases, it has been decided by the Nigam to introduce the ‘Out of Court Settlement Scheme’ in respect of the various categories of consumers where disputes are pending in courts/Arbitration.

The salient features of the scheme are as under: -

1. The scheme will be available to all categories of consumers.
2. The scheme will be available to all disputes (except cases of theft of electricity) with consumers pending in courts including DCDRF, State Commission or in Arbitration as on 31.08.2007 and still pending on date of settlement where penalties have been levied.
3. All such disputes where penalties have been levied may be settled out of court provided the consumer/applicant pays a reduced amount of 50% of the amount initially assessed along with simple interest @ 15% per annum on the unpaid balance amount of the reduced amount.
4. The scheme shall also be applicable to the cases, where dispute is on account of applicability of multiplying factor wherein the amount calculated as per multiplying factor shall be charged along with simple interest @ 15% instead of surcharge.
5. In cases where unauthorized load detected results in change of category from LT industrial to HT industrial, LT surcharge at the prescribed rate of 25% of SOP shall be payable in addition to the amount charged for out of court settlement.
6. Where the court case has arisen on account of surcharge levied and the principal amount has already been paid, the matter may be settled under the above Scheme by levying simple interest @ 15% per annum from the date of charging of the amount till the date of payment of principal amount.
7. The scheme will not be applicable to the cases where 100% payment has been made by the consumer.
8. The amount charged due to checking by M&P from the last date of checking to the date of present checking on account of slowness can also be considered for settlement provided the consumer pays the reduced amount of 50% along with simple interest @ 15% per annum.
9. The scheme will be applicable to the cases where amount has been charged on average basis. The dispute can be settled after payment of 50% amount along with simple interest @ 15% per annum on the unpaid balance amount of the reduced amount.
10. There may be certain cases where the initial assessment was not made as per instructions and the same was on higher side. It is clarified that the amount assessed means the amount to be assessed as per instructions prevailing at that time and not necessarily the amount charged initially. However, the revised calculations in respect of such cases may be got vetted from Chief Auditor before issuing the revised bill to the consumer.

11. The powers to settle these cases would vest with the SDO (OP). SDO (OP) will personally contact all concerned consumers whose disputed principal amount is less than Rs. 1 lac and XEN (OP) whose principal amount is more than Rs. 1 lac to make the scheme successful.

12. The scheme will not be applicable to the court cases where the FIRs have been lodged against the consumers against theft cases. However, all other disputed cases in Court, where no FIR has been lodged will be considered under “Out of Court Settlement Scheme”.

13. The scheme shall remain in operation from 15.01.08 to 31.03.08. The respective SEs/OP shall monitor personally the implementation of the scheme.

   All out efforts should be made to settle maximum number of disputes pending in various Courts/Arbitration. Wide publicity for settlement of pending court cases, under the above scheme, may be given.

   This should be brought to the notice of all concerned for strict and meticulous compliance.

GM/Commercial,
UHBVNL, Panchkula.