

OFFICE OF THE ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone No.: 011-26144979)

Appeal No. 04/2020

(Against the CGRF-BRPL's order dated 19.12.2019 in CG. No. 104/2019)

IN THE MATTER OF

Shri Sunil Kumar

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Ashok Jha, Authorized Representative along with
Shri Rajesh Kumar on behalf of Shri Sunil Kumar,
Appellant

Respondent: Shri Vikram Narula, Dy. General Manager (B),
Shri Sudarshan Bhattacharjee, Senior Manager,
Shri Pradeep Kumar, Meter Reader (Sup.) and
Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 17.02.2020

Date of Order: 20.02.2020

ORDER

1. The Appeal No. 4/2020 has been filed by Shri Sunil Kumar through his authorized representative, Shri Ashok Jha, in respect of his non-domestic electricity connection bearing CA No. 152247248, installed at Plot No. 153, Khasra No. 4/15, Village Tilangpur Kotla, Kotla Vihar Phase -1, Front Side Portion, New Delhi - 110043, against the order of the Forum (CGRF-BRPL) dated 19.12.2019 passed in Complaint No. 104/2019. The issue concerned in the Appellant's grievance is regarding the bill raised by the Discom (Respondent) on the basis of KVAH instead of KWH, due to which he had been getting the bills on very much higher side.

2. The background of the appeal arises from the receipt of an impugned inflated bill in the month of February, 2019, for an exorbitant amount of Rs.19,600/- by the Appellant. As per the Appellant, the bill was raised by the Discom on the basis of KVAH instead of KWH readings, which was on very much higher side, but the same was paid by him. However, on the next date of the bill in the month of March, 2019, he again received a bill of Rs. 22,950/- on the basis of KVAH readings. He then approached the concerned authorities in the Discom, wherein he was asked to pay the bill as the same is correct and has been raised as per the prevalent tariff order. In order to ward off the possibility of the meter



being defective, he applied for the testing of the meter which was not carried out by the Discom. He again applied for the testing of the meter after around two months and only then the meter was got tested by the Discom in the month of June, 2016. The Discom conveyed him that the meter was tested and as per the testing report, the meter has been found to be working within permissible limits. The Appellant further submitted that every time he approached the Discom for getting his bill corrected, he was asked to install shunt capacitor so as to improve his power factor, which will in turn reduce the difference between KVAH and KWH readings and he will start getting reduced bills.

The Appellant further submitted that in the meantime his connection was disconnected on account of non-payment of the bills, however, the same was reconnected by the Discom after some amount against the pending bills were paid by him. As per the advice of the Discom, he got a shunt capacitor installed at his premises, after which he started receiving correct bills. After the installation of shunt capacitors, he requested the Discom to get his old bills reassessed since February, 2019 onwards, but the same was refused by them on the plea that the bills had been raised as per the tariff order, are correct and needs no reassessment. As per the Appellant his shunt capacitor got defective after sometime which was removed by him, but even after removing the same he continued receiving correct bills as per his expectations and the same are being paid by him regularly. The main issue now raised by the Appellant is that since he is getting the right bills even after removing the shunt capacitor, then how he got inflated bills during those four months from February, 2019 onwards when there was no shunt capacitor installed although he is still using the same welding set in his premises as was being used earlier. Secondly, the Appellant also argued that since the shunt capacitor was not available in the market during those months so he could not install the same. In view of the same he should not be penalized on account of the non-installation of the shunt capacitor and his bills be re-assessed and corrected.

In view of the above background, the Appellant approached the Forum for redressal of his grievances and since he was not satisfied with the order of the Forum, hence, preferred this appeal mainly on the grounds that the Forum has failed to take into consideration the fact that the amount of the bills before February, 2019, when there was no shunt capacitor and now after the shunt capacitor has been removed are almost the same. The Appellant thus finally prayed to get his inflated bills reassessed, correct bills be got raised and his electricity connection be got restored.

3. The Discom in its reply has submitted that the present case is in respect of the electricity connection bearing CA No. 152247248, installed at Plot No. 153, Khasra No. 4/15, Village Tilangpur Kotla, Kotla Vihar Phase -1, New Delhi - 110043 for non-domestic purpose. The Appellant's grievance is regarding difference in KWH and KVAH readings and charging of electricity bills on KVAH basis instead of KWH basis. The Appellant was served the bill of Rs. 19,600/- charged on KVAH basis as per new DERC Electricity tariff/guidelines. As per new DERC electricity tariff order, all non-domestic connections are to be charged on KVAH basis instead of KWH basis and since the said connection is non-domestic, therefore the bill has been raised as per KVAH readings instead of



KWH readings. The bills raised by them are as per law and relevant tariff. Further, the meter was also got tested and the same was found within permissible limits and therefore the raising of the bill cannot be said to be erroneous and arbitrary. The meter of the Appellant was duly tested as a proactive approach by the Discom despite the fact that no payments whatsoever have been received against the connection of the Appellant after January, 2019 till meter testing date i.e. 27.06.2019. The meter was found working within permissible limit as per norms, hence the Appellant was again advised to pay his electricity bills to avoid disconnection of electricity supply. Moreover, their Audit & Analytical Team had also checked and analyzed the MDI and reading pattern of the meter and no abnormality was observed by them as well.

The Discom further submitted that the bills were regularly sent to the Appellant as per downloaded meter reading/MDI pattern recorded in the meter. The Appellant was also explained that as a result of low power factor due to usage of welding sets at his premises, the KVAH consumption escalated thus increasing his monthly billing charges. During his visit, the Appellant was also advised to install shunt capacitor to regulate the load and minimizing difference in KWH & KVAH reading. As stated above, the Appellant was advised on his every visit to install shunt capacitor and the letter dated 22.07.2019 confirms that his consumption has come at par with his expectations after installation of same. The supply of the Appellant was disconnected due to non-payment of dues under Section 56 of Electricity Act, somewhere in August, 2019. The Discom further argued that since no legitimate reconnection request or order has ever been received till time and since the supply was disconnected, the Appellant must have reconnected it illegally as even after August, 2019 again downloaded meter reading has been obtained against the meter.

The Discom also contended that the fact remains that the bill cannot be raised on KWH basis in violation of DERC Regulation and since earlier bills prior to installation of shunt capacitor were charged on downloaded meter readings and connected load, the Appellant's request of re-assessment of bills cannot be acceded to and hence he was asked to deposit the electricity dues. Since he stopped paying his electricity bills, our Recovery officials kept on requesting/persuading him to pay outstanding dues as early as possible to avoid disconnection of supply. But despite being intimated many times verbally as well as through notice, the Appellant did not come forward to pay the bills hence his electricity supply was disconnected and meter removed on account of non-payment of electricity dues. The allegation that the Discom's officials misbehaved is totally denied. The Discom fully cooperated with the Appellant and gave him sufficient time to explain the basis of bill and time to pay his bill. His supply was disconnected after dismissal of complaint by the Forum and same is as per law. Discom further submitted that there is no violation of law by them in any manner as alleged and the bills have been raised as per law, which are liable to be paid by the Appellant. On the issue of non-availability of shunt capacitor in the market, as raised by the Appellant, the Discom countered that it is the liability of the consumer to arrange the same and not of the Discom.

In view of the above, the Discom finally prayed that there are no infirmities in the order of the Forum and the same does not require any interference. The present appeal deserved to be dismissed as the Appellant has no case on merit.

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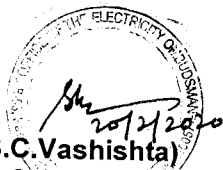
4. After hearing both the parties and considering the material on record, the basic issue which emerges is that the Appellant received inflated bills after the month of February, 2019 onwards, which was taken up by him with the Discom for correction. The Discom made him understand that the higher bills being received by him are due to the lower power factor and he should get the shunt capacitor installed at his premises so as to improve the power factor which will in turn reduce his bills. The Appellant was also explained by the Discom's officials that as per the extant tariff order, the bills are being raised on the basis of KVAH readings instead of KWH readings as were being raised earlier.

The meter was also got tested by the Discom as per the request of the Appellant and the same was found to be working within permissible limits. The bills of the Appellant also got reduced after the installation of the shunt capacitors, as also admitted by him, which clearly indicates that the inflated/higher bills being received by him during February, 2019, onwards were due to the lower power factor. The Discom also allowed him sufficient time before disconnecting his connection due to non-payment of the dues.

It is also pertinent to mention here that since the meter was found running within permissible limits, as per the meter testing report, and the bills are based on the downloaded readings, therefore, the bills need no re-assessment as prayed by the Appellant and the same are payable by him. In view of the above backgrounds, it is held that the bills raised by Discom as per the extant tariff order, are in order and the Appellant is liable to pay for the energy he has consumed.

The argument of the Appellant that he has been receiving lower bills even after the removal of shunt capacitor is misconceived, as the power factor depends upon the type of the load being used by him during that period. Further, variations in consumption levels can be due to any number of factors and would necessitate attention only if there are significantly abnormal variations attributable to a malfunctioning or defective meter, something which would have to be established through a technical laboratory test. This being not so in the present case, the readings and consequently the billing raised by the Discom have to be taken as correct and payable by the Appellant.

Against the above backdrop, the CGRF-BRPL has been correct in upholding the Discoms's position, therefore, no substantive case is made out for any interference with the verdict of the Forum and the appeal is disposed off accordingly.


(S.C.Vashishta)
Electricity Ombudsman
20.02.2020