

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
(Telephone No.011-26144979)

Appeal No. 10/2019

(Against the CGRF-TPDDL's order dated 05.02.2019 in C.G. No.7914/06/18/NRL)

IN THE MATTER OF

SHRI NIRDESH KUMAR

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant: Shri K.B. Rao, Advocate on behalf of Shri Nirdesh Kumar,
the Appellant.

Respondent: Shri Harshendu Kumar and Shri Gautam Jayprakash,
Sr. Managers on behalf of TPDDL.

Dates of Hearing: 07.06.2019 & 10.06.2019

Date of Order: 13.06.2019

ORDER

1. The Appeal No. 10/2019 has been filed by Shri K.B. Rao, Advocate on behalf of Shri Nirdesh Kumar against the CGRF-TPDDL's order dated 05.02.2019 passed in C.G. No. 7914/06/18/NRL. The issue concerned in the Appellant's grievance is regarding the withdrawal of inflated bills raised on commercial tariff instead of agriculture tariff by the Discom (Respondent).

2. In the instant appeal the Appellant has disputed the inflated bills raised by the Discom on commercial tariff instead of agriculture tariff in respect of his agriculture connection bearing CA No. 60017089420, which is in the name of the Registered Consumer (RC) Shri Nirdesh Kumar. Since the Appellant had already deposited one-third of the disputed amount pending at the time of the issue of order of the CGRF, hence, the Discom was directed not to disconnect the supply of the Appellant till the disposal of the appeal, with the condition that the Appellant will continue to pay the current bills as per Schedule. The delay in filing this plea is also hereby condoned.

In brief, the background of the case is related to the billing dispute wherein the Appellant has allegedly contested against the electricity bills raised by the Discom on the basis of Non-domestic (ND) category, which was originally energized with agricultural supply type and thereafter the Discom has wrongly changed the category from agriculture to ND supply on its own and has further alleged that the Discom later on suo moto changed the supply category again back from ND to agriculture type. The Appellant has therefore



prayed for the rectification of the bills raised on ND tariff by the Discom. The Appellant has further submitted that the Discom did not change the category from Agriculture to Non-domestic on the basis of DERC's Tariff Order for the Financial Year 2014-15, rather they have changed the supply category on the basis of the highest of average of the maximum demand (MDI) readings found recorded in four billing cycles of the consecutive months in the year 2015-16.

During the course of hearing the Appellant also raised the issue of revision and rectification of category from ND commercial tariff to agriculture tariff in the case of three electricity connections (bearing CA Nos. 60001039985, 60013663855, 60016853685) as per the details given in his written submission and urged that since the rectification of the bills for these three connections was carried out by the Discom suo moto, so the bills for his connection should also be revised and rectified on similar basis. He further argued that no 'statement of accounts' showing details of higher MDI readings was ever supplied to him by the Discom and also since the Discom has raised the bills only after a period of one year from the date, the four consecutive high MDI readings were recorded, so the Discom is not entitled to charge the same from him being time barred. The Appellant also submitted that the Discom is pursuing the policy of pick and choose in changing the categories of connections from Agriculture to ND and in support of the same he submitted the copy of an order dated 13.02.2019 issued by Permanent Lok Adalat, New Delhi, in a similar case of change of category to prove his point, which was taken on record.

In view of above, the Appellant approached the CGRF for redressal of his grievances wherein his plea was partially accepted by waiver of LPSC amounting Rs. 25,312.91 only and since he was not fully satisfied with the judgement, hence preferred this appeal against the order of CGRF with a prayer as under:

- a) To set-aside the impugned order dated 05.02.2019 passed by the Hon'ble CGRF-TPDDL in CG No.7914/06/18/NRL, after considering above mentioned submissions made by the Appellant.
- b) Further be pleased to direct the officials of Respondent to revise the bills by applying on agricultural tariff instead of commercial tariff.
- c) To direct the Respondent to withdraw the inflated bills raised on commercial tariff for the relevant period.
- d) To restrain the Respondent from disconnection of supply against CA No. 60017089420 till final disposal of the present appeal as the Appellant has already deposited 1/3rd amount against the revised bill and further paying the current demand from time to time.
- e) To condone the delay in filing the present appeal, if any, in the interest of justice.



3. The Discom's version of events is that the electricity connection bearing CA No. 60017089420 is registered in the name of Shri Nirdesh Kumar at Khasra No. 7/14, Village Khera Khurd, Delhi - 110082, for a sanctioned load of 4 KW Agricultural (AP) light purpose and the connection was energized on 01.04.1993. The supply category of the connection was changed from Agriculture to Non-domestic (ND) on the basis of DERC's Tariff Order of Financial Year (F.Y.) 2014-15 where it has been categorically mentioned that the sanctioned load of Agricultural connection is only limited up to 10 KW. Thus, the category of the connection of the Appellant was changed to ND on the basis of highest of average of Maximum Demand (MDI) readings found recorded in billing cycle covering four consecutive calendar months in the year 2015 as per the details given in their written submission and hence the sanctioned load was enhanced from 4 KW to 11 KW on 01.07.2016. The Discom also submitted the copy of the load violation notice for reference and record with their written submissions. The Discom further submitted that the notice having the details of MDI readings along with details of demand-note charges payable on account of load enhancement was duly served on the Appellant before enhancing the load and change of category as per the regulations and hence the energy bills as raised by them on ND supply category were completely in conformity with the prevailing rules of DERC at that point of time and the same are correct and payable by the Appellant. The Discom further submitted that they have suo-moto carried out the reversal of supply category from ND to Agricultural on 01.09.2017 in compliance of DERC's Tariff Order of financial year 2017-18 where the upper limit of sanctioned load for agricultural connections was revised from 10 KW to 20 KW. From the above, it is evidently clear that they have acted fairly throughout the whole chronology of the events in this case in accordance with the prevailing rules & regulations.

The Discom denied the allegations made by the Appellant pertaining to the revision of bills of 35 connections and adopting the policy of pick & choose in carrying out the change of categories as baseless and vague and are liable to be rejected, also since they were not referred to by the Appellant before the CGRF and hence such averments are neither amenable nor are liable to be allowed. Regarding the three connections, for which the Appellant has mentioned the CA Nos. in his submission and has urged that his bills be also revised/rectified on similar pattern, the Discom countered that these three connections are not related to the present case of the Appellant and were never in issue for adjudication before CGRF and hence cannot be agitated in this Forum also. However, it is again submitted that no discrimination of any kind has been done in any of the cases to cause prejudice to the Appellant.

Referring to the demand of the Appellant regarding the issue of 'statement of accounts', the Discom submitted that all the information as required by the Appellant has already been incorporated in his monthly bills and if the consumer is getting the monthly bills regularly, he is supposed to know as to when his MDI reading is crossing the limit and hence the 'statement of accounts' is not required to be issued by the Discom. Secondly, this is a document which is not supposed to be handed over to the consumer and is also not entitled to get the same as per the regulations. In all the four



bills, on the basis of which his category was changed, the MDI readings have been reflected and it is not correct to mention that the Appellant never knew about the status of higher MDI readings during the said period.

In view of above, the Discom submitted that the present appeal is liable to be dismissed and decided in favour of the Discom and prayed to pass such other and further order(s) as may deem fit and proper in the facts and circumstances of the case.

4. After hearing both the parties and going through the material on record, it is observed that the Discom has rightly raised the load of the Appellant from 4 KW to 11 KW after issue of a proper notice, based on the average of the four consecutive highest MDI readings recorded during the financial year 2015-16 as per the DERC Regulations and tariff order of F.Y. 2014-15 prevalent at that point of time. Further, since the revised sanctioned load was more than 10 KW, the change of the supply category from Agriculture to Non-domestic carried out by the Discom is in order. Accordingly, the energy bills raised by the Discom in the year 2016 on account of higher MDI readings for the financial year 2015-16 on the basis of ND supply category tariff, after issue of a proper notice, is completely in conformity with the extant prevailing rules of DERC and the same are correct and payable by the Appellant. Later on the change of category of the Appellant from ND to agriculture, suo moto by the Discom, on the basis of tariff order for the financial year 2017-18 is also in order.

Secondly, the contention of the Appellant that no 'statement of accounts' was supplied to him by the Discom is misconceived, since all the information required to be known to the Appellant for managing his MDI readings and thereby the consumption is available in his monthly bills and he could have taken the corrective action from time to time on the basis of same. Hence, there is no requirement of 'statement of accounts' to be issued by the Discom and this logic of the Appellant has no merit and cannot be considered.

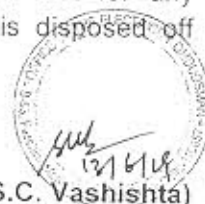
The apprehension of the Appellant, that the Discom has suo moto revised the bills of almost 35 connections on the same cause of action but his connection has not been considered for such revision is arbitrary, baseless and without any logic. The Appellant has also referred to three particular electricity connections in his submission for which he has alleged that their category was changed back to agriculture from ND category and their bills were also rectified suo moto by the Discom, whereas his connection was not considered for the rectification on similar pattern. It is pertinent to mention here that although this issue was not brought up during the hearing in CGRF, yet the plea of the Appellant is considered in the interest of justice and for the satisfaction of the Appellant the Discom was asked to submit the details of these three cases. After perusing the details of these three cases as submitted by the Discom, it has been observed that these cases do not fall under the change of category from agriculture to ND and were rightly reversed by the Discom with due diligence and hence the request of the Appellant to change the category of his connection back to agriculture on the similar pattern cannot be entertained. Further, the case referred to by the Appellant



in the decision of Lok Adalat, New Delhi, has no relevance with the present case and cannot be considered.

Having taken all the material facts and depositions into account, it is held that the Appellant has no locus standi to pose this challenge to the category change and the Discom cannot be faulted for having changed the category of the electrical connection from agriculture to non-domestic which has been carried out as per the extant regulations & tariff order from time to time.

In view of the above, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.



(S.C. Vashishta)
Electricity Ombudsman
13.06.2019