

186

Office of Electricity Ombudsman

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

B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057

(Phone No.: 32506011 Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2006/128

Appeal against Order dated 11.07.2006 and modified on 26.07.2006 passed by CGRF – BRPL in Case No.: CG/235-2006

In the matter of:

Shri Vinod Kapur

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant

Shri Vinod Kapur

Respondent

Shri Avanish Gupta, Business Manager, Distt. Nehru Place

Date of Hearing: 16.01.2007

Date of Order : 02.03.2007

ORDER NO. OMBUDSMAN/2007/128

The appeal is filed against CGRF-BRPL order dated 26/7/06 in CG No. 235-06.

As per records the appellant has a 15 KW domestic connection at 1st floor premises of B-54, Greater Kailash-I, New Delhi-with new K. No. 2530 OD12 0006. In March 2006 the appellant received a bill containing arrears of Rs.1,39,703.27/- whereas all earlier bills were paid regularly with no arrears. On receipt of this bill appellant made various efforts to find out from the concerned officials how such a big bill was issued for the month of March 2006 specially when all earlier bills were paid by him regularly.

105

The appellant met with no success on this account and even his cheque for current bill was not accepted. Respondent instead of providing the appellant with details about the arrears shown in the bill of March'06 issued him a notice for disconnection of supply.

On further pursuance, respondent vide letter dated 3.7.06 informed the appellant that the meter was faulty from 30.4.03 to 3.12.03 as meter no. 09643444 was stated to be static at 57690 reading.

The appellant filed a writ petition in the Delhi High court wherein he was directed to file a complaint before the CGRF.

The CGRF passed orders dated 11.07.06, and modified on 26.07.06, after giving personal hearing to both parties, on the complaint filed before it by the appellant.

Not satisfied with the orders of the CGRF the appellant filed this appeal before the Ombudsman.

After scrutiny of the contents of appeal, the CGRF record and the submission made by both parties, the case was fixed for hearing on 16.01.07.

On 16.1.07 the appellant appeared in person. Sh. Avanish Gupta, Business Manager (Div.) Nehru Place attended on behalf of BRPL. During the hearing, the Business Manger informed that in the premises of the appellant three separate meters are installed for ground floor, first floor and second floor. **The dispute is regarding meter of first floor. Actual readings are available for ground floor and second floor but there is no record of actual readings for first floor meter which is in dispute.**

The copy of the bills w.e.f. May'03 to June'05 reveals that all these were provisional bills issued against meter no. 09643444 and thereafter from July'05 onwards actual reading based bills have been issued with meter no. 28051718.

In response to Ombudsman query, respondent stated in reply dated 04.01.2007 that first time meter appears to have been replaced on 3.12.03 as earlier meter became defective and this meter was again replaced on 24.5.05 under mass meter replacement program. Later on in its reply dated 07.02.2007 respondent further stated that as per records, meters for

ground floor and second floor were replaced on 12.6.03. It is therefore, certain that meter no. 27020916 was also installed for first floor on 12.6.03 being of the same series of the same premises.

In the consumption pattern provided by the Discom, a hand written entry indicates 3.12.03 is treated as meter change date. This consumption pattern further reveals that reading recorded on 30.4.03 was 57690. Thereafter till 24.5.05 no regular readings were recorded except one hand-written reading in the computer- printed consumption pattern indicating that reading recorded on 26.3.04 was 8207. This consumption pattern also contains hand written entry dated 24.5.05 indicating last reading 38406 and initial reading zero with meter change remarks dated 03.12.2003.

The appellant on the other hand submitted that there was no evidence of change of meter, (he was never informed about the change of this meter) and the CGRF has accepted without evidence that there was a changed meter and that it was showing readings. If it was so then, why were readings not taken for such a long period till 24.05.05? He further stated that the Discom has no record of meter change report, either installing the meter or removing it. No readings are available with the Discom at what reading the meter was installed or at what reading the meter was replaced. He also stated that it is not possible that no reading was taken for 18 months for the meter on the 1st floor (the meter in dispute), when regular readings were taken for the ground floor and 2nd floor meters of the same premises.

Respondent was asked to provide by 24th January 2007 meter change particulars of old and new meters with reasons of changing the meter and reasons for not recording regular readings, (if the meter was replaced on 3.12.03) till 24.05.05.

The Discom submitted the information asked for, on 7th February 2007 through fax. But the enclosures were not legible. A legible reply was received on 8th February 2007. Again copies of the meter change reports dated 24.05.2005 were not enclosed. The officers of the Discom were informed to provide original meter change reports. The representatives of the Discom stated that meter change reports of appellant's meter changed in 2003 is not available.

On 17th February 2007 photocopies of the meter change reports were received. These indicated some cutting/overwriting of the readings of

meter change on 24.05.2005 but these were without authentication. The Respondent was asked to produce original meter change reports.

On 21st/22nd February 2007, one Shri Sandeep Sharma, DET came to show carbon copies of meter change reports dt. 24.05.2005. These also showed that reading has been crossed and rewritten without any authentication. Reports are also not signed by AE (BSES) and JE(BSES) and signed only by Agency Staff engaged for meter changing work. Under these circumstances **respondent has not been able to provide authenticated last reading when meter was changed and no reports are submitted as to when meter has been changed in 2003.**

On consideration of the above submissions, it is observed that:

While making assessment, the meter change date has been taken as 3.12.03 without any documentary evidence. Photocopy of the meter change report dated 24.5.05 reveals that old meter no. 27020916 was replaced with new meter 28051718. **The reading of the old meter recorded on 24.5.05 in the respective column on carbon copy was recorded as 411770 and later on, same has been cut with a pen mark and another figure of 38406 has been recorded. This meter change report does not carry the signature of A.E. BSES, J.E. BSES. Nor does it show consumer's signature.** The correction of reading recorded is also not certified / verified by any BSES official. **The above discrepancies of cutting and writing in hand without any signatures raises doubts as to the genuineness of these documents.**

The assessment bill raised by the respondent and the base period adopted by it has been disputed by the appellant. Appellant has given his own calculations for making assessment by taking the consumption of six months period prior to 30.4.03 for the entire period 30.4.03 to 24.5.05.

To a query why after installation of meter in 2003, actual reading based bills were not sent, Business Manger informed that readings could not be punched as meter change particulars were not fed in the system. Business Manger was asked to explain reasons how only one reading 8207 for 26.3.04 was entered, in absence of meter change particulars and why subsequent readings could not be entered till 24.5.05.

Respondent could not give satisfactory reply to this query nor could he authenticate the hand written reading recorded for 24.3.04. From the details filed by discom it appears that:-

1. The meter no. 9643444 was changed after 30.4.03 but no documentary evidence was available to indicate the exact date of change and its initial and last reading when it was again replaced on 24.5.05.
2. Similarly meter no. 27020916 is stated to have been installed in place of meter no 9643444 and this meter was also replaced on 24.5.05 with another meter no. 28051718 and meter change report does not give authentic last reading recorded.

There is clear deficiency on the part of respondent in not keeping proper record of meter change and not recording actual reading after changing the meter. The meter change report dated 24.5.05 is not signed by A.E., J.E. (BSES) nor by consumer. The last recorded reading is amended with out any authentication/verification. This raises doubts about its authenticity. Consumption pattern reveals that after 30.4.03 upto 27.4.05 provisional bills have been issued with average consumption of about 715 units per month, whereas after change of meter on 24.5.05 the average consumption for the period 24.5.05 to 6.12.05 works out to 2019 units per month, which is quite high as compared to the average consumption charged to the appellant.

Since no regular readings were recorded/available for the period 30.4.03 to 24.5.05 as such, assessment is required to be made (not because of meter faulty but because of non recording of consumption after meter was stated to be changed on 30.04.2003) on the basis of Base Period-I for Average consumption for the past period 28.7.02 to 30.4.03 and average consumption of Base Period-II w.e.f. 24.5.05 to 6.12.05.

<u>Base Period-I</u>		<u>Base Period-II</u>	
Reading on 30.4.03 =	57690	Reading on 6.12.05 =	12983
Reading on 28.7.02 =	50750	Reading on 24.5.05 =	1
	-----		-----
Consumption of	6940	Consumption of	12982
9 months	-----	6 month 13 days	-----
Average per month = 771 units		Average per month =2019 units	
Total Average = 2019+771 = 2790 ÷ 2 = 1395 units per month			

101

The Discom is directed to make an assessment for the period 30.04.03 to 24.05.05 on the basis of 1395 units per month .Credit is directed to be given for the payments made by the appellant for this period. No LPSC is to be charged.

It is seen that 25 provisional bills were issued by the Discom. It is liable to pay a penalty of Rs.500/- per provisional bill (Rs.500X25==Rs.12,500/-) as per Regulation 42 of the DERC Regulations 2002. **Accordingly the Discom is required to deposit Rs.12,500/- with DERC for this purpose.**

The CEO of the Licensee company may like to enquire in to the tampering of the meter change reports and presenting doubtful evidence before judicial authorities as pointed out earlier.

The CGRF order is set aside.

अशा मेहरा
(Asha Mehra)
Ombudsman