

(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 against Order dated 29.08.2006 passed by CGRF – BRPL on Case No. CG/218/2006.

- Appellant

- Respondent

**Respondent** Shri R.R. Panda, Business Manager,  
Shri Srajan Bhargava, Assistant Manager, on behalf of BRPL

Date of Order : 07.02.2007

Despite his complaints to the DISCOM and his attempts to meet the senior officers regarding the inflated bills after the installation of the electronic meter, he could not get any response for correction of such inflated bills.

During the course of such attempts to find out the reasons for high bills one of the officers of the DISCOM informed him that his high bills were on account of not putting the shunt capacitor of adequate capacity, and that if an appropriate shunt capacitor was installed, his bills would automatically come down. It is stated that because of the high bills which continued to be sent to him, he stopped making full payment and, therefore, his supply was disconnected on 22.4.2006 on account of non payment.

He, therefore, filed a complaint with the CGRF on 23.05.06. The CGRF after giving a personal hearing recorded in its order that **the bills were inflated on account of low power factor maintained at his premises, and the responsibility of maintaining the power factor lies with the consumer.** It held that it is entirely the obligation of every consumer having inductive load at the industrial unit to ensure that Shunt Capacitors of adequate capacity compatible with the connected load are provided so as to keep the power factor within the permissible limits. The element of KVA on the basis of which billing is done in respect of industrial connections, will get curtailed to the extent possible, if Power Factor is kept maintained within the permissible limits.

**As the responsibility for maintaining the power factor entirely lies with the complainant no relief can be given in respect of the bills which have been issued on the basis of actual power factor maintained by the complainant.**

Therefore the CGRF gave no relief to the appellant.

Not satisfied with the order of the CGRF the appellant filed appeal before the Ombudsman. In his appeal it is stated that the appellant's meter though "not faulty" was replaced by electronic meter without his permission. Vide his letter dated 3.5.2006 addressed to CEO, BRPL, he complained that he was not advised by the representatives of the Discom about the need for new type of shunt capacitor with the new electronic meter at the time of its installation.

At the time of change of meter, he was not informed that a new shunt capacitor has to be installed on account of which his bills started increasing substantially. Despite the above, he wanted to make some payments of the bills but without any prior notice to him for disconnection his connection was cut off. Accordingly, he has prayed for following relief / compensation.

- 1) Rs. 5.0 lakhs for inflated billing on the new meter
- 2) Rs. 10.00 lakhs for disconnecting power supply and being without power supply for 20 days causing business loss.
- 3) Rs. 100 lakhs for the damage to his reputation for disconnecting his power supply and
- 4) Rs. 200 lakhs for receiving no reply to the complaints written by him to the C&MD of the DISCOM causing hurt and insult to the consumer and keeping him in the dark. He, therefore, made a total claim of Rs. 315 lakhs in his appeal to the Ombudsman.

After scrutiny of the records and submissions made by both the parties, the case was fixed for hearing on 23.1.2007. The appellant attended in person. Shri R.R. Panda, Business Manager attended alongwith Shri S. Bhargava, Assistant Manager on behalf of the Respondent Company.

The appellant reiterated that his meter was changed by the DISCOM without any prior notice to him. Of course he admitted that the meter installation form had been duly filled in giving K. No. and other particulars of the meter and his signature was obtained as per DERC Regulations---- but no pamphlet etc was given to him in regard to the instructions as to how to operate the new meter as is generally given on purchase of electronic items.

In answer to the queries raised during the hearing he submitted that his industry is continuing since 1989 and that he had installed shunt capacitor at that time. This shows that the appellant, having an industrial connection since 1989 is aware of the need for shunt capacitors with his connection. **It was explained to him that when the meter is changed a new type of shunt capacitor is not required and, therefore, it was not obligatory on the part of the DISCOM to inform him about the installation of shunt capacitor.** Since he had installed shunt capacitors since 1989 he was aware of the need for it. Even the bill produced by the Business Manager shows that in the bill issued to the appellant extra charges were levied on account of low power factor (0.52) instead of minimum (0.85) required to be maintained, thus making him aware of this fact. Therefore, it was his duty to ensure that the power factor does not go below 0.85.

**In view of the above it is concluded that there is , no deficiency on the part of the DISCOM in this regard.**

The appellant further stated that his supply was disconnected without notice on 22.4.2006 despite part payments made by him, The Business Manager submitted that the appellant's power supply was disconnected on account of arrears of Rs. 2,66,423/-. He stated that a disconnection notice had been issued to the appellant before his supply was finally cut off, and the evidence of the same would be submitted on 24.1.2007. Shri Panda submitted on 24.1.2007 a copy of notice dated 19.3.2006 for disconnection of electricity on account of non payment of dues. This notice is addressed to Shri Sanjeev Talwar at his business address. In view of above, there is no deficiency of service on the part of the DISCOM. **His supply was disconnected for non payment of dues, and after issue of a notice for disconnection.**

In view of above discussions, the relief claimed by the appellant in his appeal can not be allowed:

- (i) For inflated billing on account of new meter for which the Discom is not responsible.
- (ii) For disconnection of supply because disconnection was made after giving due notices as per law.

- (iii) In regard to claim for compensation of Rs. 100 lakhs and Rs. 200 lakhs on account of insult to the appellant for disconnection of supply and for non receipt of reply from C&MD, it is stated the disconnection of power supply was for valid reason and after following the prescribed procedure. No compensation is due to the appellant for humiliation for which the Discom is not responsible.
- (iv) The Electricity act 2003 and the Regulations framed thereunder do not provide for compensation for non-receipt of reply from the senior officers of the Discom. Therefore no compensation is awarded. However the representatives of the Discom were advised to be more sensitive to timely communication with the consumers.

**The appeal is rejected and the appellant is directed to make payment of the outstanding bills.**

24.2.11 25.2.11  
(Asha Mehra)  
Ombudsman