

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/2006/131

Appeal against Order dated 10.10.2006 passed by CGRF – NDPL on CG.No. 0852/08/06/PPR (K.No. 34400172269)

In the matter of:

Smt. Santosh Devi - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:- Shri V.K. Goel, Advocate attended on behalf of the appellant

Appellant

Respondent Shri Ashok Saraf, Distt. Manager,
Shri Amit Sood, HOG (R&C) and
Shri Suraj Das Guru, Executive (Legal) all on behalf of NDPL

Date of Hearing: 25.01.2007

Date of Order : 08.02.2007

ORDER NO. OMBUDSMAN/2007/131

The appeal is filed on 9.11.2006 by the Appellant through her Advocate Shri S.B. Goel against the CGRF order dated 10.10.2006 (received by the appellant on 13.10.2006)

The appellant is the registered consumer of domestic electric connection bearing K. No. 34400172269 installed at 264, Deepali, Pitampura, Delhi. Regular bills were being paid upto April 2006 when a demand of Rs. 3260/- was made on 24.4.2006. However, in the month of May 2006, a bill was received showing arrears of Rs. 62,863.45. The Appellant was naturally shocked to receive such a bill with arrears when all along regular bills were being paid as and when received. The Appellant tried to get the bill corrected but when she failed, she filed a complaint with the CGRF.

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Before the CGRF, it was submitted that the appellant vide her letter dated 29.5.2006 addressed to the Business Manager of NDPL stated that the meter was recording regular consumption upto 29.4.2003 and that from May 2003 to December 2003, the premises remained vacant. Since the premises were not in use, there was no supply /consumption of electricity and, therefore, the meter did not record any units. Another complaint was lodged by the complainant on 20.6.2006 in this connection.

The Business Manager submitted before the CGRF that initially the assessment was made for a period of 18 months from 29.6.2002 to 26.12.2003 showing arrears of Rs. 62,863.45 but the assessment was revised to 9 months from 28.3.2003 to 26.12.2003 showing arrears of Rs. 46,639.05. Before the CGRF the Business Manager also stated that on 29.4.2003, the meter remained stuck at a reading of 6900 and, therefore, the assessment was made from 29.4.2003 till 26.12.2003 at the reading of 6907 units.

The CGRF in its order dated 10.10.06 held that the revised demand was correct. Not satisfied with the orders of CGRF, the Appellant filed the appeal before the Ombudsman praying for:

- 1) The orders of CGRF be set aside and demand raised on account of assessment be quashed.
- 2) The appellant pleaded for direction to the DISCOM to correct the bill raised by withdrawing the demand and the LPSC.
- 3) Suitable compensation and refund of the excess amount deposited by it with the DISCOM along with interest on the same.

After study of the contents of the appeal, submissions made by both the parties in regard to the queries raised, the case was fixed for hearing on 25.1.2007.

Shri V.K. Goel, Advocate attended on behalf of the appellant.

Shri Suraj Das Guru, Executive Legal Cell attended alongwith Shri Ashok Saraf, Distt. Manager, Pitampura and Shri Amit Sood, HOG(R&C) on behalf of the Respondent Company.

The appellant referred to Regulations 20 (ii) (b) and (c) of the DERC Regulations 2002 – Performance Standards – Billing and Metering which states that:

“If the meter is not recording / stuck as noticed by the Licensee, the Licensee shall notify the consumer. Thereafter, the Licensee **shall check the meter and if found stuck, the meter shall be replaced within 30 days**”. And

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"The consumer shall then be billed on provisional basis of **average consumption of last three billing cycles for a period between the date of last reading and the date of replacement/repair of the stuck meter**".

It was stated by Shri Goel, the appellant's advocate that the meter was not "defective" because the meter was never checked as is required by the above Regulations. The meter did not record any further units because the premises was not being used on account of some renovation etc. for which purpose the premises was not in use for a small period. Since the meter was not checked by the Discom, and, not declared faulty, no assessment could be made.

The appellant reiterated that before an assessment is made, the meter has to be checked by the Licensee and, if, found stuck, it shall be replaced by the Licensee within 30 days. In the above case, the meter was not checked and, if, at all it was found to be "stuck" as claimed by the Licensee then it should have been replaced within 30 days. This was also not done. In fact when the meter was changed on 26.12.2003, the old meter was declared O.K. Copy of the meter test report produced by the appellant shows that the meter is O.K. Thus, the contention of the DISCOM is contrary to the meter change report which is a matter of record.

The representative of the DISCOM referred to Regulations 14 of the DERC Regulations pertaining to change of occupancy/vacancy of the premises. It was discussed that the above Regulation No. 14 is not applicable to a premises in which the owner or the occupant of the premises has left his premises for a short period. In this case the appellant has not left the premises for good and therefore does not need to have a special reading taken. Regulation 14 on the other hand provides for special reading by the Licensee at-least 13 days in advance of the premises falling vacant by the existing user etc. Accordingly, Regulation 14 relied upon by the DISCOM is totally misplaced.

Shri Suraj Das Guru stated that assessment was done on the basis of "meter stopped remark in the meter book. He stated that since the reading in the meter was almost same, meter was changed, immediately after meter change; the consumption was 440 units within 8 days. Accordingly, he was of the view that the contention of the appellant that the premises was not in use is not correct.

The case was discussed at length and it was concluded that just because the meter recorded low consumption it did not mean that the meter was faulty/stuck. There may be several reasons for low consumption/no consumption of electricity. **In order that an assessment may be done, it was required that the meter be tested and if found stuck, it was to be replaced within 30 days after notifying the consumer.** The Licensee failed to get the meter tested and

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it also did not declare the meter faulty. Nor did it replace the meter within 30 days. The reason why the meter was showing low consumption was not verified. The meter change report shows that the meter was O.K. Therefore, this meter change report leads one to agree with the appellant that the premises was infact not occupied. Shri Suraj Das Guru's contention that the consumption was 440 units within 8 days of meter change also further strengthens the case of the appellant that when the premises was in use the meter recorded consumption of electricity.

Since the removed meter was reported O.K., assessment was not required to be done. Accordingly the demand raised on the basis of assessment is not valid and must be quashed.

The demand is directed to be revised and the excess payment made by the appellant if any, consequent to the assessment may be refunded with interest at the same rate at which LPSC is charged.

The order of the CGRF is set aside.

34/2/11 अ. 2/21
(Asha Mehra)
Ombudsman