

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. 14/2021

(Against the CGRF-TPDDL's order dated 01.12.2020 in CG No. 61/2020)

IN THE MATTER OF

SHRI NARESH KUMAR

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Naresh Kumar along with his spouse Smt. Seema

Respondent: Shri Ajay Joshi, Sr. Manager (Legal) and Shri Haresh Kumar,
Manager, on behalf of the TPDDL.

Date of Hearing: 25.08.2021

Date of Order: 07.09.2021

ORDER

1. The appeal No. 14/2021 has been filed by Shri Naresh Kumar, against the order of the Forum (CGRF-TPDDL) dated 01.12.2020 passed in CG No. 61/2020. The basic issue concerned in the Appellant's grievance is regarding the wrong units mentioned in the bill of January, 2020, by the Discom (Respondent) against his electricity connection bearing CA No. 60001841117 installed at 184, Ghalib Apartment, Pitampura, Delhi, in the name of Shri Gurbox Singh, the Registered Consumer.

2. The brief background of the appeal arises from the facts that the Appellant was aggrieved by the bill issued by the Discom in the month of January, 2020, wherein as alleged by him, the units mentioned in the bill were wrongly recorded on 17.01.2020 by the Meter Reader, in respect of the last digit of the reading which was recorded as '6' instead of '3'. As per the Appellant since the panel of the meter was hazy therefore wrong reading was noted down because of which he was issued a wrong bill. He approached the Discom but since he was not satisfied with the reply of the Discom, who defended the reading taken by their meter reader as

correct, hence, he approached the CGRF for resolution of his grievance. The Discom clarified during the hearing in the CGRF that the bill of January, 2020 for 401 units issued to the Appellant showing meter reading as 68016 KWH is correct and is payable by the Appellant. The contention of the Appellant regarding wrong recording of the last digit of the reading by their meter reader was dismissed by the Discom as misconceived and without any logic. Basically the contention of the Appellant is that, had his reading being taken by the Discom, a day before then possibly his consumption of units would have been shown as less than 401 units, which would have come under the category of applicable subsidy as per the tariff order.

From the above, it is quite evident that the basic dispute as raised by the Appellant is regarding the application of subsidy for the bill for the month of January, 2020, which is falling in a border line case, as the subsidy is applicable below 400 units and his bill for the said month was for 401 units. The CGRF observed that as per the regulations the duration of the billing cycle cannot be less than 30 and more than 35 days and in the present case the bill has been raised for 31 days, which is in consonance with the provision of Regulation 38. It is observed that the case has been thoroughly and exhaustively dealt by the CGRF and after taking all the factors into account, the CGRF has rightly and logically decided the case giving benefit of doubt to the Appellant in order to give him the government subsidy benefit. The relevant portion of the decision of the CGRF is reproduced as below:

“Undoubtedly it cannot be conclusively proved that the meter reading was wrongly noted down by the meter reader and further it cannot be ignored that the consumption of 401 units as reflected in the January, 2020, bill of the complainant was a borderline case for applicability of subsidy to him. Since complainant has raised the issue before the Respondent and even they could not prove beyond doubt that the meter reading was correctly noted down by the meter reader as no photograph of the reading is available with them therefore in our considered opinion it would have been a prudent step on the part of Respondent to consider the representation of the complainant and to have given him the benefit of subsidy.

Accordingly, in view of above discussion we direct Respondent to give subsidy to the complainant in his January bill within 30 days of the receipt of this order. However, it is made clear that the present order is passed in a peculiar fact of the case and is not to be treated as precedent by either of the parties.”

3. Now, taking up the main issue of the present appeal filed by the Appellant, which pertains to the objection raised by him regarding the final order passed by the

CGRF, wherein he has submitted that most of the issues as raised by him remained unanswered. He has also submitted that while passing the final order he was not consulted by the CGRF and has requested to look into the aspect of compensation on account of the efforts put in by him for getting the reversal done. He has also argued that the CGRF has given a biased order which did not safeguard the interest of the consumer. In addition to above, he also reiterated that the Discom has forged the images which fact was ignored by the CGRF.

4. The Discom in its reply submitted that the Appellant had filed the complaint before the CGRF with respect to inaccurate meter reading (difference of 3 units) and sought relief to adjust the bill as per the correct meter reading and implement the policy change for transparency/avoiding error of bill generation in future. He sought compensation for wasting his time/efforts by sharing inaccurate and irrelevant information repeatedly. The Discom further submitted that the meter installed against the Appellant's connection recorded accurate and correct reading and consumption bill raised in the month of January, 2020 was correctly raised. After the receipt of wrong reading complaint on 31.01.2020, the Discom's officials verified the same by again re-capturing the meter reading on 03.02.2020 where the incremental reading of 68238 KWH with the MDI of 3.22 KWH was found recorded in the meter. It is further clarified that the Meter Reading of 68016 KWh was correctly taken and that on receipt of Website Complaint lodged by the Appellant on 02.02.2020 disputing the reading taken on 17.01.2020, they visited the premises on 03.02.2020 and took the pictures of meter with reading 68238. The photographs (placed on record) evidently made it clear that the display of the meter was showing correct and visible reading in February, 2020 as well. After June, 2020, the display was not showing 2nd digit from right side and finally meter was replaced on 03.07.2020. This sustains the fact that the last digit of the meter was showing clearly visible digit till the display of the meter became faulty. It is further brought to the notice that the Appellant has been disputing the accuracy of the meter from July, 2018 onwards and on his request accuracy check of the meter was carried out on two occasions viz; 28.07.2018 and 24.08.2018 and on both occasions meter was found to be working accurately. The Discom also conveyed that as per the directions of the CGRF in the order dated 01.12.2020, the benefit of Government Subsidy of Rs.800/- has been given to the Appellant in his electricity bill dated 01.02.2021

Regarding the present appeal the Discom submitted that the Appellant has filed the present appeal for compensation on account of efforts he put into getting the bill reversed and pain and harassment he incurred on this account. In this regards, it is submitted that there is no prima facie loss or damage or inconvenience caused to the Appellant, therefore the present complaint is liable to be dismissed at



initial stage. Further, the Appellant has filed the present appeal against CGRF order on the grounds that the issues raised by him have not been adequately addressed. He further seeks relief in terms of compensation for the efforts he had put in for getting the bill reversed which was raised for more than actual amount. He further cited the pain and harassment he had undergone for which he seeks compensation.

At the outset, it is submitted that the CGRF has passed the order with the observation that it cannot be conclusively proved that the meter reading was wrongly noted down by the meter reader and further it cannot be ignored that the consumption of 401 units as reflected in January, 2020 bill of the Appellant was a borderline case for applicability of subsidy to him. These observations of the CGRF per se make it clear that they merely passed the directions to give the benefit of subsidy to the Appellant treating it as a borderline case. In addition to above, the Appellant had also disputed the reading recorded on 17.01.2020 on assumptions and supposition only. The CGRF treated it as borderline case and in order to resolve the issue passed directions to give government subsidy benefit to the Appellant. Whereas, the Discom has acted in accordance with provisions of law and raised/issued the bill for 31 days (in accordance with Regulation 38 (2) of DERC Supply Code and Performance Standards Regulations, 2017) and on the basis of reading taken on 17.01.2020, while the Appellant raised the issue of reading without any valid basis and ground. Further, the Appellant had every opportunity to forward the picture of the meter indicating the meter reading and date of meter reading through registered mobile or through E.Mail which he is entitled as per the Regulation 30(13) of the DERC Regulations, 2017, however, the Appellant did not either send any photographs of the meter to the Discom or produced before the CGRF which clearly establishes that the contention/claim of the Appellant is merely based on supposition and imagination.

Therefore, in the light of submission made hereinabove, the Discom prayed for dismissing the present appeal as the same is without any merit and substance. The claim of the compensation is not tenable and liable to be rejected.

5. After hearing both the parties at length and considering the material on record, it is pertinent to mention here that the basic dispute as raised by the Appellant was regarding the application of subsidy on the electricity bill for the month of January, 2020, which was falling in a borderline case. In this regards, it is clarified again that the CGRF has rightly and judiciously decided the case, in favour of the Appellant by giving him the benefit of doubt regarding the applicability of subsidy as a special case and further the required subsidy benefit has also been


passed on to him by the Discom as per the directions of the CGRF. Hence, nothing survives in the matter.

With regards to the issue of compensation, as raised by the Appellant, it is observed that although the bill has been raised by the Discom within the timeframe of 30 to 35 days as per the Regulations yet even then the CGRF has given him the benefit of doubt, on account of which he became entitled for the government subsidy to which he was otherwise not eligible, hence the demand of compensation of any type by the Appellant is not tenable and cannot be considered. In the instant case the claim of compensation by the Appellant is without any merit and substance and he has not been able to put forth any valid basis for claiming the compensation. In addition to above, the bill was raised by the Discom on the basis of reading recorded by a correct and accurate meter hence the claim of the Appellant for compensation is not maintainable.

With regards to the contention of the Appellant regarding using of forged images by the Discom, it is observed that the CGRF has already gone into the details of the same and has given him the required benefit of the subsidy by ignoring the issue of blurred images etc. and therefore nothing survives in the matter. However, even then if the Appellant wishes to get the same investigated, he can approach the appropriate Civil Court, as such type of investigation is beyond the jurisdiction of this Court.

In addition to above, some other arguments as raised by the Appellant regarding number of issues remaining unanswered in the order of the CGRF, the CGRF not consulting him before issue of final order, etc. it is held that the contentions of the Appellant in this regards have no basis and are misconceived. The issues have been decided by the CGRF on the basis of applicable regulations and the order of the CGRF is in accordance with the law and does not suffer from any legal and factual infirmity so as to warrant any interference.

The case is disposed of accordingly.


(S.C.Vashishta)
Electricity Ombudsman
07.09.2021