

**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/2007/155**

Appeal against Order dated 29.01.2007 passed by CGRF – BRPL in Case No.CG/343/2006

**In the matter of:**

M/s Him Hit C.G.H.S. Ltd. - Appellant

**Versus**

M/s BSES Rajdhani Power Ltd - Respondent

**Present:-**

**Appellant** Shri Ajay Yadav authorized representative of the appellant

**Respondent** Shri Akash Suparkar, Manager, KCC  
Shri Srajan Bhargava, Asstt. Manager, KCC on behalf of BRPL

Date of Hearing: 07.06.2007

Date of Order : 12.06.2007

**ORDER NO. OMBUDSMAN/2007/155**

This appeal is filed against the orders of CGRF-BRPL dated 29.01.2007. The CGRF vide its above order directed that billing may be done on the basis of the reading of 114200 as reflected in the meter change report dated 27.07.2004, and that readings of 8586 and 10486 recorded on 26.02.2004 and 25.05.2004 respectively may be treated as null and void.

In the appeal the appellant stated that Shri Sameek Sain, GET AM (PS) D (PLM) has verified on the face of the meter change report on 08.09.2004 that the correct reading is 11420. As per CGRF order, the reading of 10986 is not correct, as subsequent consumption of units is much higher. Appellant has prayed that reading verification of BRPL employee Shri Sameek Sain be accepted and excess billing of 1 lakh units be withdrawn.

The facts of the case are that there are 160 flats in this multi story housing complex. These are divided in four blocks. There are eight lifts, two water pumps, 200 watt street light points and corridor lights.

For the above- mentioned common services of the housing complex an electric connection with electro mechanical meter was installed on 08.08.2002.

Since then till May 2004 no reading based bill was issued by the respondent. Provisional bills were issued from November 2003 onwards which were paid by the society. Bill for April 2004 for the period 26.02.04 to 27.03.04 amounting to Rs.5,110/- shows previous reading as 8586. This was also paid by the appellant on 27.04.2007.

Next bill for May 2004 also indicated the same previous reading as 8586. Bill for June 2004 for the period 26.02.2004 to 25.05.2004 was for Rs.4,250/- with meter reading 10486. This was also paid.

**The old electro mechanical meter was replaced on 27.07.2004 with final reading 114200 recorded in the meter change report.**

**The dispute started from the bill of August 2004 for the period from 29.06.2004 to 01.08.2004 amounting to Rs.4,41,974/-.**

The appellant filed the complaint with the CGRF.

Before the CGRF, the respondent stated that the meter readings of 8586 and 10486 were not correctly recorded and justified its claim based on month- wise occupancy from August 2002 to September 2006.

The problem is created due to the negligence of the respondent as after installation of meter on 08.08.2002 reading based bills were not issued for nearly 2 years.

Since the use of common service utilities, such as lifts, corridor lights, street lights, is likely to vary with the number of flats occupied, the discom was directed to provide the date of energization of each connection given in each of the 130 flats and consumption pattern of the common services connection since installation of meter on 08.08.2002.

The HIM HIT Society has 4 blocks namely A, B, C & D. Each block has 7 floors. As per records made available by BRPL with regard to date of energization of each of 130 individual connections, the year wise occupancy of the flats is observed as under:

**No. of Flats - Block Wise**

Year	A	B	C	D	Unknown	Total	Aggregate
Year 2002	4	11	5	5	2	27	27
Year 2003	13	8	3	8	1	33	60
Year 2004	12	4	14	10	1	41	101
Year 2005	4	3	2	3	1	13	114
Year 2006	2	6	5	3	0	16	130
Total	35	32	29	29	5	130	

The status of occupancy of flats given by the society before CGRF is not in conformity with the above position worked out on the basis of individual connections given to the flat owners.

Based on the above details the case was fixed for hearing on 07.06.2007.

On 07.06.2007 Shri Ajay Yadav, authorized representative of the appellant society attended.

Shri Akash Suparkar, Manager, KCC and Shri Srajan Bhargava, Asst. Manager, KCC attended on behalf of the respondent

At the outset Shri Ajay Yadav, representative of the society submitted that respondent has issued the bills with increased payable amount without any reason. To this Shri Akash Supakar, Manager, KCC, explained that the consumption of common services meter is required to be billed at domestic power rate. However, by mistake earlier bills were raised by applying domestic tariff slab. Now after making the necessary corrections, the bill amount has increased. Respondent officials were directed to calculate year wise / tariff wise units to be charged indicating tariff (rate) for each year and amount chargeable for each year till May 2007 and allow credit for all the payments made by society during this period.

During the hearing Shri Ajay Yadav produced a copy of meter change report dated 27.07.2004 wherein the reading **was verified as 11420 by Shri Sameek Sain under his signature on 08.09.2004.** Appellant submitted that this verification be taken into consideration for raising the bills. **It was learnt from the appellant that meter change particulars were recorded at site on 27.07.2004 whereas Shri Sameek Sain has recorded the verification on the face of meter change report in his office on 08.09.2004 which obviously has been done after a lapse of more than 40 days. The appellant could not explain in whose presence the verification was done on the appellant's copy of meter change report and whether verification was done after seeing the old meter or not. Hence this verification at a much later date and without reference to the meter removed from site is not acceptable.**

Analysis of the submissions by the respondent as well as by the appellant show that:-

1	Meter installed on 08.08.2002 at initial reading	R-12 units
2	First reading recorded on 26.02.2004, this gives average for 18.6 months	= 8586 units = 461 units/month
3	Second reading recorded on 25.05.2004, this gives average for 3 months	= 10486 units = 637 units/month
4	Reading recorded on 29.06.2004	= 110942 (Disputed)
5	Reading recorded on 27.07.2004	= 114200 (Disputed)
6	Consumption for 1 month	= 3258 units
7	Average w.e.f. 01.08.2004 to 01.11.2004(3 months)	= 6096 units/ month
8	Average w.e.f. August 2004 to August 2005	= 7146 units/month
9	Average w.e.f. August 2005 to August 2006	= 7173 units/month
10	Average w.e.f. August 2006 to April 2007	= 6765 units/month

From the above it is observed that:

Average consumption of 3 months w.ef. 26.02.2004 to 25.05.2004 (with old meter)	= 637 units / month
and average consumption of 3 months with new meter w.e.f 01.08.2004 to 01.11.2004.	= 6096 units / month
Average w.e.f. August 2004 to August 2005	=7146 units/month

**The above shows that the average consumption in the year August 2004-05 is 7146 units. In the 3 months prior to this period the average is 6096 units. Therefore in the year 2004 itself, for the earlier 3 months the average of 637 units does not appear to be correct. Similarly the average of 461 units also does not appear to be correct.**

From the record it is observed that :  
 As per meter change report, meter was replaced on 27.07.2004 at final reading R-114200 whereas reading verified is R-11420.  
 It is quite possible that the reading recorded on 26.02.2004 and 25.05.2004 was short by 1 digit i.e. 4 digit reading was recorded instead of 5 digits.  
 Therefore reading on 26.02.2004 may be = 85860.  
 Thus, average consumption for 18.6 months becomes = 4610 units / month.  
 Similarly, reading on 25.05.2004 may be = 104860  
 Therefore average consumption for 3 months = 6373 units / month  
 The meter was changed on 27.07.2004 at reading = 114200  
 Therefore average consumption during entire period of 23.6 months = 4838 units / month

In the year 2002, 27 number of flats were occupied and the occupancy increased to 60 by the end of 2003. But by the end of July 2004 when new meter was installed the occupancy had increased to 93 out of 130 flats. Since the occupancy was less initially in 2002 and 2003 therefore average consumption upto 27.07.2004 comes to 4838 units based on final reading on 114200 units. The consumption per month w.e.f. August 2004 till April 2007 is observed to be in the range of 5000 to 8000 units per month. Therefore it is not possible that the consumption from February2004 to May 2004 was only 637 units and 461 units.

**In view of above, the contention of the appellant that readings recorded on 26.02.2004 to 25.05.2004 may be taken to be correct is not tenable.**

**Shri Ajay Yadav also agreed that a consumption of 8856 units for 18 ½ months appears to be wrong being on much lower side and not consistent with the consumption in the immediately succeeding period.**

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In view of the above analysis and since the Meter Change Report shows final reading on 27/7/2004 as 114200, the respondent was directed to consider 114200 as final reading of the old meter. This consumption may be spread equally month wise w.e.f. the date of installation of the meter 08.08.2002 to 27.07.2004. Tariff will be applied yearwise. Bill to be revised accordingly by giving adjustments for the payments received during this period. The statement indicating amount payable as well as payments received from society were to be submitted by 08.06.07.

On 08.06.2007 Manager, KCC submitted the calculations of the bill as per the above directions.

Revised calculations submitted are from 08.08.2002 to June 2007 by taking into account the payments made upto 16.04.2007. After taking into consideration the compensation amount as per CGRF directions the net payable amount comes to Rs.3,62,663/- (Copy of calculations submitted by the Discom is enclosed). Appellant is directed to make the payment of the due amount in 4 equal installments along with current bills.

The CGRF order is upheld.

अशा मेहरा  
(Asha Mehra)  
Ombudsman

Encl:- as above