

Office of Electricity Ombudsman

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

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Appeal No. F. ELECT/Ombudsman/2007/156

Appeal against Order dated 25.05.2006 passed by CGRF – BRPL in Case No.CG/286/2005

In the matter of:

Shri P. R. R. Nair

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant Shri P. R. R. Nair

Respondent Shri S. C. Sharma, AGM
Shri Sachin Gupta, Business Manager

Date of Hearing: 19.07.2007

Date of Order : 27.07.2007

ORDER NO. OMBUDSMAN/2007/156

This appeal is filed by the appellant against CGRF-BRPL order dated 22.05.2006 in the case no. CG/286/2005, as he was not satisfied with the order of CGRF.

The contents of appeal, CGRF order and reply submitted by BRPL show that:

The appellant is resident of Flat No. V-I, NCERT Campus. Dues up to 11.11.2000 at meter reading 870 were settled and paid during DVB period. After appellant's complaints about a faulty meter at his residence, this meter was replaced on 18.05.2001. It was again replaced on 21.01.2002. This meter also became faulty on 03.07.2004 and thereafter, the meter showed a constant reading of 9974. No action was taken by the BRPL to replace the faulty meter and revise the bills.

Thereafter, the appellant filed a complaint in DERC on 11.07.2005 which was forwarded to CGRF-BRPL for taking necessary action on the grievance of the

consumer. After the complaint was filed in CGRF, the Discom replaced the consumer's meter on 09.01.2006. CGRF in its order has observed that the dispute up to 11.11.2000 stands already settled and for the subsequent period the meter remained functioning satisfactorily up to July 2004. Hence all the bills issued will be payable by the consumer. Further, as regards defective period of July 2004 upto the date of replacement of meter, BRPL directed that the assessment of the defective period be done provisionally on the basis of consumption of one year period prior to July 2004 and final assessment be done when consumption of 6 months period of new meter is available.

Not satisfied with the above order of the CGRF, the appellant filed this appeal.

After a scrutiny of the contents of the appeal, the CGRF records and further submissions made by both the parties, the case was fixed for hearing on 19.07.2007.

On 19.07.2007, the appellant attended in person. Shri S. C. Sharma, AGM and Shri Sachin Gupta, Business Manager, attended on behalf of the Discom.

During the hearing, the appellant reiterated the submissions made by him in his appeal and stated that:

- (i) Meters have been changed with "faulty" remarks but bills have not been revised / corrected by the Discom.
- (ii) Meter became faulty on 03.07.2004 but despite several requests, it was replaced only on 09.01.2006. Since BRPL was responsible for not changing the faulty meter immediately, the licensee should be directed to compute the payable amount on reasonable basis and payments already made by the appellant may be adjusted. It was also prayed that the CGRF order be set aside.
- (iii) There are some disputes regarding payments made against 2 no bills which need reconciliation by both the parties.

The above issues were deliberated during the hearing and decided as under:

- (a) The meter reading record indicates that meter which was replaced on 18.05.2001 started recording high consumption after 07.11.2001. This meter even recorded a consumption of 373 units in a period of 14 days. This was replaced on 21.01.2002 with meter "faulty" remarks.

The period from 07.11.2001 to 21.01.2002 needs to be declared as defective period. Therefore, the readings recorded during this period may be ignored and assessment be done based on 6 months average consumption prior to 07.11.2001 and 6 months average consumption after 21.01.2002 with the new meter.

- (b) The meter which became faulty on 03.07.2004 was required to be replaced within a period of 30 days as per DERC regulations. However, this faulty meter was replaced by BRPL belatedly on 09.01.2006, and that too after the consumer had filed a complaint before the CGRF. As per well known orders of Hon'ble Delhi High Court, in the case of H. D. Shourie Vs. MCD, Delhi, the maximum

assessment period allowed is not more than 6 months. Accordingly, assessment is directed to be done for a period of 6 months prior to 09.01.2006 based on 6 months average consumption w.e.f. 07.01.2004 to 03.07.2004 and 6 months average consumption w.e.f. 09.01.2006 to July 2006 with new meter.

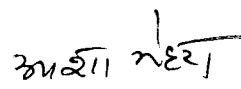
- (c) Regarding dispute of payments made against 2 no bills, the Discom is directed to give credit for payments made on production of original paid bills by the appellant. This may be done within next 15 days and till such time the disputed amount may be kept in abeyance.

Business Manager was required to submit the revised payable amount as per above directions, by adjusting all the payments made by the appellant after settlement of old dispute of 11.11.2000.

As per detail submitted by the Business Manager on 23.07.2007, the net payable amount is determined at Rs.42,266.09 after adjusting payment already made by appellant.

The appellant is directed to pay the revised bill based on the above calculations.

The CGRF order is set aside.


(Asha Mehra)
Ombudsman