

**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/2007/165**

Appeal against Order dated 13.02.2007 passed by CGRF –  
NDPL in CG.No.01028/12/06/SMB (K.No. 31500143928)

**In the matter of:**

Shri Raj Kamal

- Appellant

**Versus**

M/s North Delhi Power Ltd.

- Respondent

**Present:-**

**Appellant** Shri Raj Kamal appellant

**Respondent** Shri Jagat Singh, AGM, Distt. Shalimar Bagh,  
Shri Pramod Kumar, Section Officer,  
Shri Vivek, Executive (legal) and  
Shri Suraj Das Guru, Executive Legal all on behalf of NDPL

Date of Hearing: 07.09.2006

Date of Order : 21.09.2007

**ORDER NO. OMBUDSMAN/2007/165**

Appellant Shri Raj Kamal resident of 3/55, (New 3/47), Ground Floor, Sant Nagar, Burari, Delhi has filed this appeal against CGRF-NDPL's order dated 13.02.2007 in the case CG No. 01028/12/06/SMB, stating that CGRF in its order has allowed assessment for a period of 6 months holding that the meter was slow, which is without any basis. His contention, that the meter was not defective, but the supply was not in use, because the shops remained closed, was not taken into consideration.

The brief background of the case is that Appellant's old meter was replaced on 03.03.2004 and Respondent raised the assessment bill for the period 17.09.2002 to 03.03.2004 as low consumption was recorded by the old meter during this period. Appellant filed a complaint before CGRF objecting to the assessment bill raised by the respondent for the period 17.09.2002 to

03.03.2004 on the basis of average consumption, recorded from 15.05.2002 to 17.09.2002 and 03.03.2004 to 19.09.2004. Appellant stated before CGRF that during the period the shops remained vacant and supply was not in use. CGRF in its order observed that the old meter had recorded 397 units between the period 17.09.2002 till its replacement on 03.03.2004 and the low consumption recorded, implies that the meter was slow. However, the CGRF restricted the assessment period to 6 months as per DVB's order no. CO-ii/P-21/26 dated 10.05.2000.

Not satisfied with the CGRF's order Appellant has filed this appeal stating that the CGRF's decision that the meter was slow, is without any basis / report, and has requested to quash the assessment bill along with LPSC charges.

After scrutiny of contents of appeal, CGRF's order and submissions made by the Respondent, the case was fixed for hearing on 07.09.2007. Appellant Shri Raj Kamal attended himself and on behalf of Respondent Shri Jagat Singh, AGM, Distt. Shalimar Bagh, Shri Pramod Kumar, Section Officer, Shri Vivek, Executive Legal and Shri Suraj Das Guru, Executive Legal attended.

During the hearing, Appellant stated that the connection was being used for providing supply to 5 number shops, given on rent, and the shops were not regularly in use. The meter was alright and the consumption recorded by it was actual, and the bills were paid accordingly.

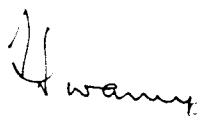
The Respondent stated that the meter was replaced on 03.03.2004 with meter 'faulty' and 'burnt' remarks. The old meter had recorded a low consumption i.e. approximately 20 units per month and as such the assessment done, is in order. The Respondent further stated that the consumption was much higher prior to 17.09.2002 and after 03.03.2004.

It is observed from the meter book records and consumption pattern produced by the Respondent that the meter had recorded consumption regularly and has not been reported to be faulty or burnt prior to 03.03.2004. It is only when the meter was replaced on 03.03.2004 under the mass replacement program, that the remarks that meter is faulty and burnt were recorded on the meter installation protocol proforma dated 03.03.2004. Surprisingly this meter change report is unsigned both by the agency which changed that meter and by the NDPL representative.

Before CGRF, the Respondent has stated that the meter was replaced on 03.03.2004 with "meter faulty" remarks and keeping in view the low consumption recorded earlier, assessment was done on the basis of 6 months average consumption, prior to and after the replacement of meter. Respondent has not stated before the CGRF that the meter was found burnt.

As per DERC Regulations 2002, assessment on the basis of 6 months average consumption prior to, and after replacement of meter, is done when the meter had not recorded any consumption and had remained sticky or burnt. Here in this case the record shows that the meter had been working regularly and the last reading was also recorded as 4427 units on 03.03.2004. As such the meter had neither remained sticky nor was burnt from 17.09.2002 onwards, and for the period for which assessment was done by the Respondent. Respondent further contended that the consumption was higher after replacement of old meter. The records indicate that the meter was replaced on 03.03.2004 and first reading was recorded on 18.03.2004, showing a consumption of 37 units only. The next reading was recorded on 09.06.2004 which showed a consumption of 257 units for a period of 3 months and 6 days. Later on the consumption has increased gradually, but is found to be very inconsistent, may be because of inconsistency in use due to sporadic occupation of the shops. There is no law / DERC Regulation which states that low consumption implies that the meter is slow, without actual testing of the meter. The old meter had recorded low consumption from 17.09.2002 to 03.03.2004, but respondent never suspected the meter was faulty nor tested it for its accuracy. It is therefore ordered that the assessment bill raised is not based on any provision in the DERC Regulations, and as such the same is quashed.

**The CGRF order is accordingly set aside.**

  
(Suman Swarup)  
Ombudsman