

**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/2007/174**

Appeal against Order dated 07.07.2006 passed by CGRF – BYPL in  
CG-11/01/2006.

**In the matter of:**

Shri J.S. Jaggi

- Appellant

**Versus**

M/s BSES Yamuna Power Limited.

- Respondent

**Present:-****Appellant** Shri J.S. Jaggi

**Respondent** Shri Amit Prakash BM (CCK),  
Shri R. Shrinivasan Commercial Manager,  
Shri P. S. Mehta AFO,  
Shri Amit Kaushik,  
Shri Rajiv Ranjan,  
Shri Pawan Kumar, Legal Retainer all on behalf of BYPL.

Date of Hearing: 05.10.2007

Date of Order : 17.10.2007

**ORDER NO. OMBUDSMAN/2007/174**

1. The Appellant has filed this appeal against the order of the CGRF – BYPL order dated 07.06.2006 and the modified order dated 07.07.2006 in case no CG-11/01/2006. It is the contention of the Appellant that since his meter was proved to be faulty, and his consumption is 30-35 units per month, CGRF has erred in directing revision of bills for the period 26.12.1998 till replacement of meter in December 2001 when the meter remained faulty, on the basis of the average consumption of 211 units per month for the period 31.12.1996 to 26.12.1998. According to Appellant, the presumption on the part of CGRF, that the first complaint regarding the meter being faulty was made only in October 1998, is contrary to the proof submitted before CGRF by Appellant.

2. The grievance of the Appellant is that:

- a) He has a small office at 4146, Dankara Building, Naya Bazar, which has one fan and one tube light. However he has been getting bills showing excessive consumption from 1996 onwards and these have not been rectified, inspite of repeated requests in the last more than 7 years. He had been receiving bills for consumption of 150 – 200 units per month, before the change of meter (meter changed on 26.12.2001) whereas the actual consumption is not more than 30 to 35 units per month. Since he had been protesting against excessive billing, he did not pay the bills regularly.
- b) In the year 2001 he was asked to pay 50% of the total bill so that the meter is checked, and Rs.22,000/- was paid by him on 16.07.2001. The meter was changed on 26.12.2001, being faulty. Hence the bills for the period 1996 onwards be rectified.

3. In the reply/comments on the appeal, the Respondent has stated that the complaint is vague in as much as the actual date as to when the cause of action arose, has not been clearly mentioned by the Appellant. The date of the first complaint regarding faulty meter has not been indicated and the procedure for testing of the meter was never followed. The Respondent has further stated that the Appellant has not been regularly paying his bills and had been making part payments in lump sum from time to time. The meter was changed on 26.12.2001, and Appellant's complaints have been made only after change of meter. The consumption of Appellant is much higher than 30-35 units, as is evident from the consumption chart for the last 10 years. The Respondent in compliance of the CGRF's order has however already given a revised bill to the Appellant on 19.08.2006 charging for 211 units per month, for the period 27.02.1998 to 26.12.2001, and credit towards LPSC was allowed during the period 22.01.2001 to 23.04.2004.

4. The CGRF in its order has observed that for the first time a complaint regarding the meter being faulty seems to have been made by the Appellant in October 1998. The CGRF after considering the facts, in its orders dated 07.06.2006 and 07.07.2006, directed the Respondent to prepare a revised bill taking an average consumption of 211 units per month w.e.f. 27.02.1998 till the date of change of meter i.e. 26.12.2001.

Not satisfied with the order of CGRF-BYPL, the Appellant has filed this appeal.

5. After scrutiny of the appeal, the records of the CGRF and the reply / comments submitted by Respondent, the case was fixed for hearing on 05.10.2007.

On 05.10.2007 the Appellant Shri J. S. Jaggi was present in person. For Respondent, Shri Amit Prakash BM (CCK), Shri R. Shrinivasan Commercial

Manager, Shri P. S. Mehta AFO, Shri Amit Kaushik, Shri Rajiv Ranjan, and Shri Pawan Kumar, Legal Retainer were present.

6. Both the parties were heard. The statement of account regarding K.No. 111018390061 reflecting consumption and payments was produced by Respondent. This was also shown to the Appellant. The Appellant pleaded that the meter was faulty for a long time i.e. prior to 1996 but the first written proof is the AFO's noting on the bill for February 1997 where the AFO instructed for acceptance of the part payment of Rs.10,000/- and asked for checking of the working of the meter. The Appellant stated that he has no complaint regarding the meter or billing after change of meter on 26.12.2001. Thus the disputed period for readings / billing according to him, is between February 1997 to December 2001.
7. The Respondent produced the statement of account of meter bearing K.No.111018390061 from 1992 onwards, showing the consumption, billing and payments received from the Appellant. This statement indicates that:
  - i) Provisional bills were issued for the period April 2000 to December 2000 as no readings were recorded.
  - ii) A reading of 6270 units was recorded on 24.12.2000 which remained static till the meter was replaced on 26.12.2001, indicating that the meter was faulty during the period.
  - iii) The consumption pattern prior to February 1997, when the meter was first suspected to be faulty by the Appellant, and after this date upto February 2000, was found to be comparable.
  - iv) Though the meter was changed on 26.12.2001 the consumption upto July 2005 was found to be between 100 to 200 units per month and not 30-35 units per month. After July 2005, onwards however it dropped and even touched 30 to 35 units per month. The Appellant explained that the sudden drop in consumption might be due to use of heater and other gadgets by an earlier employee, who was removed.
8. From the records produced and submissions made by Appellant and Respondent, it is seen that there is no record of any complaint in writing by Appellant regarding the meter being faulty between 1996 to 2001, nor was any request for change of meter made. However provisional billing has been done for the period April 2000 to December 2000 and no readings were recorded. The meter also recorded a static reading of 6270 between December 2000 to December 2001, when it was replaced.
9. After considering the submissions made by Appellant & Respondent and the facts on record, it is decided that:
  - a) Since the meter remained faulty between December 2000 till its replacement on 26.12.2001, as per prevailing DVB's orders No. COII P-21/2000/26 dated 10.05.2000, the assessment for the period when the

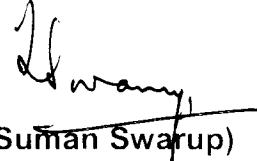
meter remained defective, is to be limited only to a period of six months. Therefore, the assessment be done for a period of 6 months only i.e. from June 2001 to December 2001.

- b) For purposes of assessment the base periods to be taken will be 24.08.2000 to 24.02.2001 i.e. 6 months average consumption prior to meter being found defective, and 26.12.2001 to 28.06.2002, i.e. 6 months average consumption after replacement of the defective meter.
- c) For the remaining period i.e. 6 months when the meter remained defective, only minimum charges are leviable.
- d) From April 2000 to December 2000, provisional bills were raised which were revised in February 2001, as such no LPSC is leviable during the period provisional bills were raised and for the period the meter remained defective, till its replacement in December 2001.

Based on the above directions, Respondent has submitted the details of dues, indicating that:

- (i) By taking average consumption of 99 units / month the assessed amount comes to Rs.2,500/- for the 6 months period i.e. June 2001 to December 2001.
- (ii) An amount of Rs.920/- is recoverable on account of minimum charges plus meter rent for the remaining 6 months.
- (iii) Relief in LPSC amounting to Rs.5,896/- is given in view of (d) above.
- (iv) After taking into consideration the payments made by appellant the net amount payable up to August 2007 comes to Rs.16,224.36/-.
- (v) Another payment, of Rs.6,500/- being 1/3<sup>rd</sup> of amount due, made by Appellant on 13.09.2007, for filing the appeal, will be accounted for in the next bill.

The order of the CGRF is accordingly modified.

  
(Suman Swarup)  
Ombudsman