

**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/2007/188**

Appeal against Order dated 11.06.2007 passed by CGRF – NDPL on CG.No. 1162/03/07/BDL (K.No. 45400125862)

**In the matter of:**

Shri H.R. Bhatia - Appellant

**Versus**

M/s North Delhi Power Ltd. - Respondent

**Present:-**

**Appellant** Shri H.R. Bhatia attended in person

**Respondent** Shri Sachin Kaul, HOG(RNC), Badli  
Shri Arun Sharma, Commercial Manager and  
Shri Vivek Executive Legal were present on behalf of NDPL

**Date of Hearing :** 17.10.2007, 05.12.2007

**Date of Order :** 06.12.2007

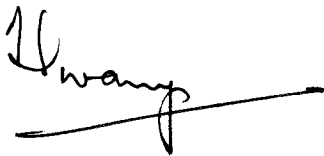
**ORDER NO. OMBUDSMAN/2007/188**

1. The Appellant has filed this appeal against the orders of CGRF- NDPL in case no. 1162/03/07/BDL and has prayed for relief as under:

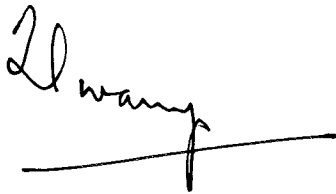
- (i) Credit of bill amount of Rs.1,73,843.75 raised for the first time after more than 2 years of the meter being defective.
- (ii) Compensation for harassment due to:
  - (a) Accumulation of heavy dues due to no action by NDPL.
  - (b) Abnormal delay of 47 days in reconnection.

2. The background of the case is as under:

- i) The Appellant has an industrial power connection for 14.6 kw load installed at his premises 29/80, Gali no. 8, Sameypur, Delhi.



- ii) The old meter no. 4H-97-05606 at the Appellant's premises was replaced with an electronic meter no. NDP-10824 on 28.10.2003. This electronic meter was found to be not displaying any readings and the Appellant made a complaint in this regard to the Respondent on 18.12.2003. This defective electronic meter was replaced on 03.01.2004 with another electronic meter no. NDP-11187. This meter was also found to be not displaying the readings and the Appellant again made two complaints one on 10.01.2004, followed by another complaint dated 07.04.2004.
  - iii) A joint team of the Respondents Enforcement Cell made a site inspection on 10.04.2004 and recommended replacement of the meter as it was not displaying the readings. This faulty / non displaying meter was not replaced immediately by the Respondent. However, it was replaced on 23.08.2004.
  - iv) The Respondent raised the assessment bill for the period the meter was defective, in September 2006, to which the Respondent has objected on the ground that it has been raised after 2 years of replacing the defective meter.
  - v) The premises was being used by the tenant and due to non payment dues accumulated to more than Rs.3 lacs and the supply was disconnected on 12.03.2006.
  - vi) The Appellant paid all the pending dues and completed the required formalities on 01.08.2006 and requested for restoration of supply which was restored after 47 days, on 16.09.2006.
3. After scrutiny of the appeal, the records of the CGRF and submissions made by both the parties, the case was fixed for hearing on 17.10.2007 and was postponed for hearing on 05.12.2007 on the request of the Appellant, as he was under treatment for minor surgery in the hospital.
4. On 05.12.2007 the Appellant Shri H. R. Bhatia was present in person. On behalf of the Respondent Shri Sachin Kaul, HOG RNC, Badli, Shri Arun Sharma, Commercial Manager and Shri Vivek , Executive Legal were present.
5. Both parties were heard. It is observed that the Respondent installed defective electronic meters on 28.10.2003 and again on 03.01.2004 as these meters were found not displaying any readings. The Respondent did not take prompt action to replace the defective meter despite the Appellant's complaints and recommendations of the joint team of its own enforcement cell who inspected the premises on 10.04.2004. The defective meter was finally replaced only on 23.08.2004 despite the recommendation



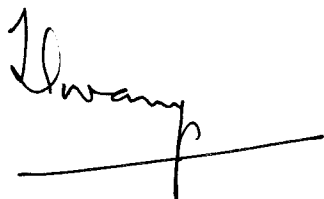
of the Enforcement Cell. Infact, the Respondent was required to replace the defective meter within 30 days of noticing the defect as per Regulation 20(ii) of the DERC Regulations 2002.

After replacement of the defective meter on 23.08.2004 the Respondent was required to raise the assessment bill on the basis of the average consumption of 6 months when the old functional meter was installed and six months consumption shown in the new functioning meter. The Respondent belatedly raised the assessment bill in September 2006, which the consumer has disputed, stating that the bill has been raised after 2 years of replacement of the defective meter. As such these dues are not payable under Section 56 (2) of the Electricity Act 2003.

6. In a similar case pertaining to applicability of Section 56 (2) of the Electricity Act 2003, DERC has decided vide its order dated 07.09.2006 in the matter of **Roshan Lal Vs. NDPL** in the petition no. 17/2006/2223, that the Respondent was required to raise the assessment bill after considering 6 months consumption of the new meter and for the purposes of section 56 (2) of the Electricity Act 2003, the limitation period should start after 6 months of replacement of the defective meter.

In this case the meter was finally replaced on 23.08.2004 and the Respondent was required to raise the bill after considering the consumption of the new meter up to 23.02.2005 and the period of 2 years would start from this date. The bill was required to be raised on or before 23.02.2007. The bill has been raised in September 2006 i.e. within 2 year. As such the provisions of section 56 (2) are not applicable in this case. The Respondent officials could not give any satisfactory explanation for not replacing the defective meter promptly in accordance with the DERC Regulations / Guidelines and the reasons for raising the bill belatedly.

7. It was further observed that the Respondent has not adhered to the DERC Regulations for restoring the supply after payment of all pending dues. As per Regulation 24 of the DERC Regulations 2002 (Performance Standards - Metering and Billing) the licensee shall reconnect the consumer's supply within 2 days of payment of any past dues against the installation and the reconnection charges. In this case all the past dues were paid and necessary formalities completed on 01.08.2006 but the supply was restored after 47 days on 16.09.2006. The Respondent officials stated that the supply was not restored as the MDI recorded was far in excess of the sanctioned load and the Appellant was not coming forward for enhancement of load. However, the supply was restored on the assurance of the Appellant that his MDI will not exceed the sanctioned load. The Respondent officials admitted that the supply was disconnected on account of non payment of dues and not on account of MDI exceeding the sanctioned load. The Respondent was required to restore the supply



within 2 days after removal of cause of disconnection i.e. on receipt of all pending dues. It is observed that there is a delay of 45 days in restoration of supply.

8. The CGRF in its order has held that the assessment period be restricted to seven months i.e. 23.01.2004 to 23.08.2004. It is decided by the Hon'ble Delhi High Court in the matter of **H. D. Shourie Vs. MCD (AIR 1987 Delhi 219)**, that the assessment bill be raised limiting the defective period to 6 months. Accordingly in this case the assessment bill be restricted to six months. For the remaining period, fixed charges may be levied.


As regards accumulation of heavy dues as a result of inaction by the Respondent, Appellant did not press for any relief.

**For the delay of 45 days in restoration of disconnected supply, it is directed that a compensation of Rs.50/- per day be paid to the consumer.**

The CGRF orders are modified to the extent indicated in Para 8 above.

Dated

6<sup>th</sup> December 2007.

  
(Suman Swarup)  
Ombudsman  
6.12.07.