

**OFFICE OF ELECTRICITY OMBUDSMAN**

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

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

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**Appeal No: 19/2025**

(Against the CGRF-TPDDL's order dated 14.02.2025 in C.G No. 01/2025)

**IN THE MATTER OF**

Shri Pawan Kumar

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

**Present:**

Appellant: Shri Pawan Kumar, in person.

Respondent: Shri Ajay Joshi, AGM (Legal) and Shri Gaurav Sharma, Senior Executive, on behalf of the TPDDL

Date of Hearing: 11.06.2025

Date of Order: 12.06.2025

**ORDER**

1. Appeal No. 19/2025 dated 15.04.2025 has been filed by Shri Pawan Kumar, R/o House No.: 3, Kewal Park Extension, Delhi – 110033, challenging the CGRF-TPDDL's order dated 14.02.2025 passed in CG No. 01/2025.

2. The background of the case is that the Appellant, Shri Pawan Kumar, has a domestic connection bearing CA No.60008824371 (Meter No. 0122100), installed in the year 1986 with sanctioned load of 0.25 Kw. This meter was replaced due to being defective with new meter on reading 14290 units on 09.03.2005, by the Discom. After replacement of the meter, the Discom issued actual bill based on consumption, amounting to Rs.280/-, which was paid by him within the due date, i.e. 07.06.2005. Subsequently, the Appellant did not receive any further bills, when enquired by him, the Discom sent to him a bill of Rs.83,650/- for the period 07.06.2005 to 01.08.2006 which included an assessment bill of Rs.41,351.49 for the defective period w.e.f. 24.07.2004 to 09.03.2005 (based on post defective meter consumption from 09.03.2005 to 02.05.2006), in June, 2006. The Appellant challenged this bill before the District Consumer Dispute Redressal Commission (DCDRC), Shalimar Bagh, Delhi, in the year 2007 (Case No. 1665/2007). The DCDRC, observed that the complainant



had defaulted in making regular consumption bills payment and a cheque of Rs.25,000/- had also been dishonoured. He had remained silent about the fact that regular consumption was recorded correctly. The accuracy and Meter Test Report established that the meter was perfectly functioning and dismissed his complaint vide its order dated 21.07.2023. Against this, the Appellant filed an appeal before the Delhi State Consumer Dispute Redressal Commission (DSCDRC) on 02.09.2023, who passed the order on 21.11.2024 stated that *"since the consumer courts cannot entertain the complaints against power bills assessed under the Electricity Act, 2003, the present appeal stands dismissed with no order as to costs. Further, the Appellant is at liberty to file the present case before the appropriate authority xxxx."*

3. In response, the Appellant filed a complaint before the CGRF on 31.12.2024, alleging that the replaced/newly installed meter is fast and he received an exorbitant bill amounting to Rs.1,43,450/- on 30.08.2007, from the Discom after a delay of 14 months.

4. In reply, the Discom stated that the old meter was replaced with a new meter on 09.03.2005. The assessment of the bill was carried out in accordance with the Clause 21(i) of DERC (Performance Standards – Metering & Billing), Regulations, 2002, for the defective period of the meter from 24.07.2004 to 09.03.2005, based on the average post consumption recorded from 09.03.2005 to 02.05.2006, accordingly an amount of Rs.41,351/- calculated and added in the bill for the month of March, 2007. Regarding the accuracy of the new meter, the Discom submitted that it was tested twice and both the times found within the permissible limits, which was also acceded to during the hearings in the DCDRC & DSCDRC. To support their claims, the Discom submitted both test reports along with courts' orders. Further, the Discom has submitted a break-up of outstanding dues as on 13.01.2025 as under:

Principal outstanding amount	- Rs.1,18,820.43
LPSC charges	- <u>Rs.3,73,789.57</u>
Total Outstanding	- <u>Rs.4,92,610.00</u>

5. The CGRF, in its order dated 14.02.2025, considered that the assessment for the period 24.07.2004 to 09.03.2005 was due to the replacement of the defective Meter No. 0122100 on 09.03.2005. Since the Discom did not provide any proof of the meter being faulty, they could not claim assessment amount of Rs.41,351/-. The Discom has stated that the remarks regarding 'faulty meter' were mentioned on the 'Meter Replacement Form' at the time of the meter's replacement on 09.03.2005. However, the complainant provided a 'Protocol of Meter Installation and Meter Removal' sheet dated 08.03.2005, which did not mention a faulty meter. Therefore, there was no justification for carrying out assessment for the period 24.07.2004 to 09.03.2005.



Regarding the fast running of the meter after its replacement on 09.03.2005, the Forum observed that the same meter is still being in use, however, the complainant disputed the consumption for a specific period. The accuracy of the meter was checked on two occasions, i.e. on 08.11.2007 and 13.11.2007, and both times it was found within the permissible limits. Consequently, the Discom could charge for the consumed units during the disputed period. Also, the complainant was ready to pay only the actual energy consumption bill.

The Forum ordered the Discom to revise the bill by withdrawing the assessment amount of Rs.41,351/-, charge unit-based bill consumed during the period 24.07.2004 to 09.03.2005, and waiving of the entire LPSC amount. The revised bill should be paid in eight equal monthly installments, after adjusting the payment made by the complainant for the disputed period, if any. The complainant was directed to pay the monthly installments along with his regular bills.

6. The Appellant aggrieved by the above cited order, has filed this appeal reiterating the facts placed before the Forum. The Appellant is challenging the basis of revised bill amounting to Rs.77,780/- which is divided into eight installments of Rs.9,720/- per month. This revised bill was not provided to him, and instead he had received a higher consumption bill of Rs.83,657/- for a period of fourteen (14) months from 07.06.2005 to 01.08.2006. The Appellant further submitted that after the Forum's order, the Discom issued a bill on 17.03.2025 for Rs.10/-, showing arrears adjustment of Rs. 4,19,711.94, which includes Rs. 41,351.49 for a refund of the assessment amount and Rs.3,78,357.37 for a waiver of LPSC. The Appellant has already made the first installment on 01.04.2025 and stated that he has regularly paid his regular current bills. The Appellant is requesting for complete details regarding the revised assessment amount of Rs.77,780/-, as calculated by the Discom and is ready to pay the rectify revise bill, if any.

7. In response to the appeal, the Discom submitted that the Appellant raised two issues (i) the basis of calculation for the revised bill of Rs.77,780/- and (ii) an excessive consumption bill of Rs.83,657/- for the period 07.06.2005 to 01.08.2006.

Regarding the calculation of Rs.77,780/-, the Discom submitted that after the Forum's order dated 14.02.2025, an amount of Rs. 41,351/- was deducted from the disputed principal amount of Rs.1,18,820.01, which comes to Rs.77,469.01. Further, the current demand of Rs.358.86 was added in this bill. Furthermore, the Appellant visited their office where the calculation was explained to him in details, therefore, no written communication was sent.

As regards the issuance of higher consumption bills of Rs. 83,657/- for the period 07.06.2005 to 01.08.2006, the Discom clarified that these bills were based on downloaded reading. The fact is that the meter was tested on two occasions, and both the times its accuracy was within the permissible limits. Moreover, the meter still exists and working. It



might have been possible that the Appellant may have incurred the excess usage during that specific period, therefore, he is liable to make the payment.

8. The appeal was admitted and fixed for hearing on 11.06.2025. During the hearing, the Appellant was present in person and the Respondent was represented by their authorized representatives. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

9. During the hearing, the Appellant submitted that there are only three family members staying in the house/premises with limited use of electricity. In response to a query by the Advisor (Engineering), the Appellant submitted that the area of premises is 100 sq. yards with single storey. After replacement of the old meter with a new meter on 09.03.2005, he did not receive regular bills and received a bill for 14 months. However, the same replaced meter is in use from 2005 within an average bill of about Rs.500/-. He also submitted that there was also a shop with a commercial connection of 3 KW and the nature of activity was repair and puncture of tyres for scooter, motor cycle etc. Upon receipt of a bill for about Rs.1.43 lakhs, he had approached the Discom without any redressal. In response to a query by the Ombudsman, he reiterated that he did not receive bills on a regular basis and only one bill for the 14 months was received in the later part of 2006.


10. In rebuttal, the officers from Discom present stated that on two occasions the meter was checked and found within the parameters. There was however no record available in respect of service of bills on regular basis although the record maintained by the Discom mentioned about generation of regular bills for the various periods. While mentioning that a disconnection notice was issued in the second half of 2006, there was no convincing response from the Discom as to why no disconnection could be carried out during the long period of about two years. In response to a query by Advisor (Law), officer conceded that no assessment of the liability taking in to account the provision of Regulation 21 of DERC Supply Code 2002, was made in respect of the period 24.07.2004 to 09.03.2005. Therefore, there was a total non-compliance in this regard. Relevant query was also asked by the Advisor (Engineering) with respect to raising of bills in EBS/SAP. He also took objection on the applicability of DERC Regulation, 2007 as Regulation, 2002 was in force at that time.

11. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (i) The CGRF has held that there was no justification for carrying out assessment for the period 24.07.2004 to 09.03.2005 in violation of the Regulation 21 of DERC's Supply code, 2022, and held the Discom not entitled to recover Rs.41,351/- on account of assessment for faulty meter.



- (ii) Regulation 21(i) of 2002 Regulations lay down the principle of assessment for defective meter to include consumption pattern for six months prior and six months after the meter remained defective. This apparently was not followed. No responsibility has been fixed for this lapse.
- (iii) The pattern of consumption taken into account by the Discom is mentioned in their reply to the appeal for the total demand of Rs.77,680/-. The alarming consumption pattern increase during the period 09.05.2005 till 02.05.2006 (units in excess of 400 and in the range of over 2500 to 6500) could not be explained either by the Appellant or the Respondent.
- (iv) Defective Meter No 0122100 was replaced with new Meter No 0710230962 on 09.03.2006. After replacement of defective meter 1<sup>st</sup> bill was send to consumer, amounting to Rs 280/ with due Date 7.6.2005, which was paid within due date. Next bill of Rs 83657/ was send him in June 2006 after a gap of more than one year, which contained an assessment bill of Rs 41,351.49 of defective meter period during 24.7.2004 to 9.3.2005 on the basis of consumption from 09..03.2005 to 02.05.2006 , with consumed units 19275 (14 months period) , which is in contravention of regulation.
- (v) Regulation No 12 (ii) of supply code 2002, clearly states that the licensee shall raise the bill for every billing cycle based on actual meter readings, which was not adhered by Respondent. Why a bill for 14 months was raised in violation of the Regulations remains unexplained.
- (vi) Respondent has failed to adhere & serve bill of defective period's, bill from 24.07.2004 to 09.03.2005 in consonance of Regulation 21 (i) of Supply Code, 2002. While actual meter reading for same period prior & 6 months after was available on record.
- (vii) Neither the Appellant nor the Discom could throw any light on the abnormal high consumption pattern with the functioning of the same meter during a particular period of time whereas the average consumption from 2005 till 2025 was only in the vicinity of 300 to 400 units per month. Moreover, it became apparent that no efforts were also made by the recovery department of the Discom for recovery of dues which remain pending for a long period of time.
- (viii) The Appellant has suffered for about 18 years to settle disputed bill in District Consumer Dispute Redressal Commission, Delhi State Consumer Dispute Redressal Commission, CGRF and this Court, while matter could have be sorted out at Respondent level.




12. In the light of the above, CGRF order is modified as under:

- (a) On the basis of the material on records, the Respondent will raise bill of defective period of meter during 24.07.2004 to 09.03.2005 in compliance with the regulation & accordingly bill of units 2280 be raised with the tariff of relevant period.
- (b) In the interest of natural justice, fair play and equity, compensation of Rs 20,000/- is awarded in favour of appellant, which need to be adjusted against the pending amount and installments (6) be made accordingly.
- (c) The order requires to be implemented in next fifteen days and the installments need to start thereafter.

13. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
12.06.2025