

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/2007/190

Appeal against Order dated 12.07.2007 passed by CGRF–BRPL in case No. CG/356-06.

In the matter of:

Shri M. Singh - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri M. Singh the Appellant was present in person

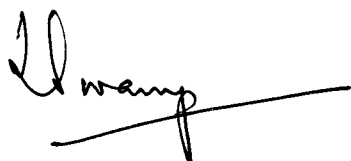
Respondent Shri Avanish Gupta, Business Manager, attended on behalf of BRPL

Dates of Hearing : 20.09.2007, 29.01.2008, 07.03.2008,
15.04.2008

Date of Order : 24.04.2008

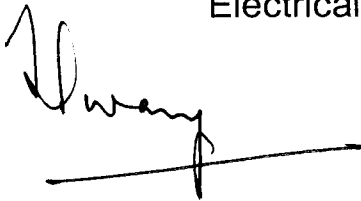
ORDER NO. OMBUDSMAN/2008/190

1. The Appellant Shri M. Singh has filed this appeal against the order of CGRF-BRPL dated 12.07.2007 in case no. CG/356-06 stating that the issues raised during personal hearing on 04.07.2007 have not been considered by the CGRF.



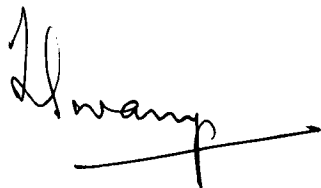
2. The background of the case is as under:

- i) The Appellant had earlier filed a complaint dated 08.09.2006 before the CGRF-BRPL stating that the bi-monthly bill of June 2006 received by him, contained shockingly high consumption of 4405 units (for a period of two months) as compared to the earlier bills. The Appellant filed a complaint with the Respondent and deposited the meter testing fee on 10.08.2006. On his complaint, the BRPL tested the meter on 24.08.2006, but the Appellant stated that the meter was tested without information to him and behind his back and requested that the meter be tested again with prior intimation to him, and provisional bills be issued as per DERC Regulation 30 (ii).
- ii) In its order the CGRF observed that the test report dated 24.08.2006 appeared to be erroneous as the energy recorded did not authenticate the test results. The CGRF directed the BRPL to get the meter tested through ERDA, the outside agency accredited by the National Accreditation Board for Testing and Calibration Laboratories, Govt. of India. The meter was tested by ERDA on 17.11.2006 and the test results showed the meter to be fast within the permissible limits of error.
- iii) The Appellant submitted a letter dated 12.01.2007 before the CGRF-BRPL stating that testing of the meter had not been done by the BRPL as provided in the DERC Regulation 19 (D) by the Electrical Inspector, as he had disputed the meter test results.



The Appellant further stated before the CGRF that the testing done by ERDA was not done in his presence as the test report does not carry his signatures.

- iv) Later on vide another letter dated 14.06.2007, the Appellant informed the CGRF that the disputed bills be corrected on the basis of the meter testing done by BRPL on 24.08.2006. The Appellant had initially filed the complaint before the CGRF, stating that the meter was tested on 24.08.2006 without informing him and behind his back, and had requested for retesting of the meter. In his letter to CGRF dated 14.06.2007, the Appellant shifted his stand and wanted the bills to be revised on the basis of the test report dated 24.08.2006, which the CGRF had observed to be erroneous.
- v) A meeting was convened in the chamber of Chairman CGRF on 04.07.2007, which was attended by the Appellant and Business Manager BRPL, to sort out the matter. The Appellant was not satisfied with the testing of the meter conducted by ERDA also on 17.11.2006. The Forum asked the Appellant whether he was prepared for testing of the meter again through ERDA in his presence, but the Appellant replied in the negative.
- vi) In its order dated 12.07.2007, the CGRF has observed that there appears to be no reason for disbelieving the authenticity of the test results of the meter testing conducted by ERDA, as



such, the Appellant is liable to make payment of the bills on the basis of actual readings recorded by the meter.

Not satisfied with the CGRF's order, the Appellant has filed this appeal.

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the parties the case was fixed for hearing on 20.09.2007.

On 20.09.2007, the Appellant was present in person. On behalf of the Respondent Shri Avanish Gupta, Business Manager was present.

Both parties were heard. The Appellant insisted for testing of the meter through the Electrical Inspector or an independent third party as per the DERC Regulations. It was noted that the DERC has not so far notified any agency (third party) for testing of meters. In the circumstances the Public Grievance Commission who has been directed by the Delhi Government to arrange for testing of meters through the CPRI is a option and the Appellant was asked to take recourse to this. The Appellant was not willing to follow this course also for early resolution of the grievance. The matter was therefore deferred till the third party for testing of meters is notified by the DERC. The case was fixed for further hearing on 29.01.2008.

A handwritten signature in black ink, appearing to be 'Shri Avanish Gupta', with a long horizontal line extending from the end of the signature.

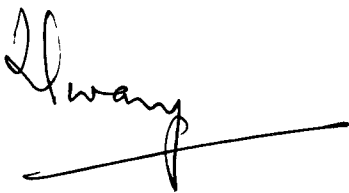
4. On 29.01.2008, the Appellant was present in person and the Respondent was present through Shri Avanish Gupta, Business Manager.

It was noted again that the third party had still not been notified by the DERC as provided in the Regulations. As such both parties agreed that the accuracy of the meter be got checked by installation of a check/pilot meter. It was directed that the test report be submitted by the Business Manager after 30 days. The case was fixed for hearing on 07.03.2008.

5. On 07.03.2008, the Appellant was present in person and the Respondent was present through Shri Avanish Gupta, Business Manager.

The Appellant stated that the pilot meter installed did not show the correct results. The Respondent produced the meter test report from which prima facie it was evident that there was some problem either with the internal wiring of the Appellant's premises or in the neutral. The Respondent was advised to carry out a fresh test through the pilot meter after removal of the fault / defect in wiring etc. and to submit the report by 26.03.2008.

6. The case was taken up on 15.04.2008 for consideration of the Test Report dated 15.04.2008 and final arguments. The Appellant was present in person and the Respondent was present through Shri Avanish Gupta, Business Manager. The Appellant stated that he



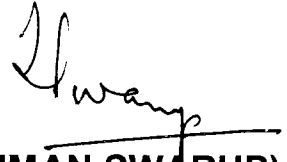
accepts the report of testing of his meter through installation of a pilot meter conducted by the Respondent. As per meter test report dated 15.04.2008, the meter was found to be 6.14% fast. The Appellant accepts that there was a defect in his wiring and tapping of electricity from his meter by a neighbour, which had since been rectified by the Respondent. The Appellant filed an application dated 09.04.2008 with the request to declare the existing meter defective and to revise the bills on the basis of past average consumption.

7. The test results dated 15.04.2008, through installation of a pilot meter, indicate that the meter was 6.14% fast. Based on these results, it is therefore, ordered that:

- (i) The existing fast running meter be replaced immediately.
- (ii) As per DERC Regulation 38 (e), the bills of the Appellant be revised by considering the meter to be 6.14% fast. The revision be effected w.e.f. 10.02.2006 i.e. six months prior to the date of complaint, upto the date of replacement of the existing meter.

The CGRF order is accordingly set aside.

24th April 2008.


(SUMAN SWARUP)
OMBUDSMAN