

## Office of Electricity Ombudsman

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

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

(Phone No. 32506011, Fax No. 26141205)

**Appeal No. F.ELECT/Ombudsman/2007/198**

Appeal against Order dated 04.07.2007 passed by CGRF - BRPL in Case No.CG/160/2007.

### In the matter of:

Shri Sudhanshu Malhotra - **Appellant**

Versus

M/s BSES Rajdhani Power Ltd. - **Respondent**

**Present :**

**Appellant :** Shri Sohan Lal, Advocate attended on behalf of the Appellant

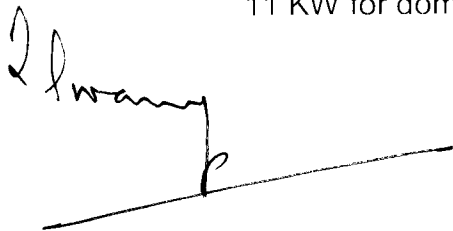
**Respondent :** Col. R. Tandon, OSD, Enforcement  
Shri Sita Ram, Business Manager

**Date of Hearing:** 20.11.2007

**Date of Order :** 26.11.2007

### ORDER NO. OMBUDSMAN/2007/198

- 1) The Appellant has filed this appeal against the order of the CGRF dated 04.07.2007 in case CG no. 160/2007 with the prayer that the order dated 04.07.2007 passed by the Learned CGRF vide case No. CG No. CG/160-07/F-I/761 be set aside/quashed. The demand of Rs.1,41,687/- illegally raised by the opposite party vide bill No. AGENR230820060007 which was issued on 22/1/2007 having due date 31/8/2006 be quashed. and the electricity supply which was disconnected illegally by opposite party, be restored.
- 2) The background of the case is that
  - (i) The Appellant's premise was inspected on 26.10.2005 when a connected load of 36.659 KW was found against the sanctioned load of 11 KW for domestic purposes.



- (ii) During inspection R-phase terminal wires of the III phase meter were found heated / short circuited near the meter end. On testing, the meter was also found 30.83% slow.
- (iii) The inspecting team also recommended change of the meter as soon as possible and to retain old meter at site.
- (iv) Despite the above recommendations of the inspecting team the meter was not replaced by the Respondent which ultimately got burnt on 10.04.2006 and thereafter it was replaced with another meter on 22.04.2006. As per the DERC Regulations 2002, the defective meter was required to be replaced within 30 days.
- (v) The Appellant was making payment regularly of all the bills received. A bill amounting to Rs.1,41,687/- was raised on 22.01.2007 with the due date for payment as 31.08.2006. This bill contained the assessment bill amount for the period the meter remained defective. The Appellant complained against the bill before the CGRF. The Learned CGRF vide order dated 04.07.2007 held that the bill was raised on the basis of the slowness of the meter (30.83%) and was in accordance with Regulation 19(i) (c) of DERC Regulations, 2002. As the supply was lying disconnected, CGRF directed restoration of supply on deposit of 50% of the bill amount of Rs.1,41,687/- by the Appellant, and the balance amount was to be paid in two installments, along with the current bill.

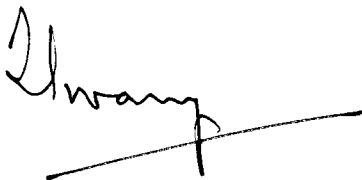
3. Not satisfied with the order of the CGRF, the Appellant has filed this appeal.

After scrutiny of the appeal, records of the CGRF and further written submissions of both the parties, the case was fixed for hearing on 20.11.2007.

On 20.11.2007 Appellant was present through Shri Sohan Lal, Advocate and on behalf of the Respondent Col. R. Tandon, OSD Enforcement and Shri Sita Ram, Business Manager were present.

4. During hearing the Appellant stated that the meter which is installed in the staircase was checked and inspection was carried out in his absence and the inspection report was not given to him. He came to know about this inspection report only when he filed a complaint before the CGRF.

The Respondent officials stated that the inspection was carried out in the presence of the Appellants representative and connected load was checked after verifying from load inside the premises. As such it was denied that the inspection was done in Appellant's absence. Respondent stated that the Appellant had refused to sign the inspection report. Apparently the copy of the inspection report produced bears the correct address but the official of the Respondent company while dispatching the report mentioned South Extension



Part-II instead of South Extension Part – I on the envelope. The Courier official recorded on the envelope "refused to receive". The bill was raised in August 2006 and the Respondent officials produced the copy of the Appellant's representations dated 11.09.2006 and 25.10.2006, against the notice and the bill amount. Therefore it is incorrect to say that the Appellant came to know of the inspection during the hearing before the CGRF.

The Respondent officials further stated that the bill has been raised in accordance with the DERC Regulations relating to defective meters and has been found correct as per the CGRF's orders.

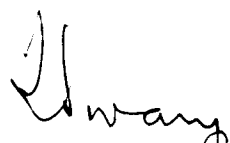
- 7) Both parties were heard. After going through the detailed inspection report containing the diagram / sketch of the meter connections showing the short circuiting of the R-phase connection, It can be concluded that the R-phase terminals (incoming and outgoing) at the meter end were faulty. This resulted in the meter not recording consumption for the load of R-phase to the full extent. Infact, it was only a connection fault at the meter end, and the meter itself was not faulty. The perusal of consumption record for the period of six months prior to 26.10.2005 indicates that there is a drop in the monthly consumption after 26.10.2005 till the meter was replaced on 22.04.2006. The consumption after 22.04.2006 onwards is again as per the pattern evident prior to 26.10.2005.

Since the meter was not faulty, the Respondent has wrongly applied the DERC Regulations 19 (i) (c). The fault in the R-phase connection has certainly caused the meter not to record the full consumption as a large percentage of the current consumed, bypassed the meter. The perusal of the consumption pattern further reveals that the consumption is substantially higher in the summer months than in the winter months. Therefore, the assessment bill for the Appellant for the disputed period i.e. 26.10.2005 to 22.04.2006 be raised on the basis of the average consumption for similar corresponding period prior to 26.10.2005, and after 22.04.2006. Thus the average consumption for the period October 2004 to April 2005 and October 2006 to April 2007 be taken as the basis for raising the assessment bill for the disputed period i.e. 26.10.2005 to 22.04.2006

**The order of the CGRF is modified to the extent above.**

*Dated*

*26<sup>th</sup> November 2007*

  
(Suman Swarup)  
Ombudsman  
*26.11.07*