## 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/2007/206

Appeal against Order dated 17.07.2007 passed by CGRF - NDPL on CG.No. 01257/06/07/MTN (K.No. 33300130014)

### in the matter of:

Smt. Shakuntla Devi

- Appellant

#### Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant

Smt. Pankaj Tanwar, son of the Appellant

Respondent

Shri Yogesh Luthra, Assistant General Manger, Moti Nagar

Shri Vivek, Executive (Legal) on behalf of NDPL

**Date of Hearing** : 27.11.2007 **Date of Order** : 27.11.2007

#### ORDER NO. OMBUDSMAN/2007/206

- 1. The Appellant has filed this appeal against the order of the CGRF-NDPL, dated 17.7.2007 in the case CG No. 1257/06/07/MTN as he could not get the relief sought.
- 2. The back-ground of the case is that:
  - The Appellant has two electricity connections at her premises, one for domestic use (DL) at first floor and the second for industrial on the ground floor. In the year 2003, the fabricating unit functioning on the ground floor was relocated and on the Appellant's request the IL connection meter was converted to supply not in use. This meter with K. No. 33300130014 I did not record any consumption w.e.f. 14.5.2003 to 19.11.2004.
  - ii) On 14.12.2004, the existing electro mechanical meters of both the connections were replaced with electronic meters. The IL meter started

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recording consumption as domestic light was connected to this meter by the electrician of the Respondent, while replacing the old meters. On noticing that the IL meter was recording consumption, the Appellant made a written request to the Respondent for conversion of the IL meter from industrial category to domestic category. The Appellant herself is an old lady, her son who is working out side Delhi took up the matter again with the Respondent in March 2005 for conversion of connection on ground floor to domestic use from industrial category. The IL meter recorded the consumption from 14.12.2004 to 20.7.2005 and after that the load of the ground floor portion was again shifted on the domestic meter of 1<sup>st</sup> floor portion. The Appellant got this shifting of load done to avoid increase in the disputed period, as his request for charging domestic tariff on the consumption recorded by IL meter was pending for decision with the Respondent.

- iii) Since the Appellant's request for charging of domestic tariff, conversion of category of meter on ground floor was not attended to, she filed a complaint before the CGRF. The Learned CGRF observed in its order that DL and IL meters have recorded consumptions and the purpose for which supply from IL meter was used can not be established, as such no relief was allowed. Not satisfied with the orders of the CGRF, the Appellant has filed this appeal before the Ombudsman.
- 3. After scrutiny of the appeal, records of the CGRF and further written submissions of both the parties, the case was fixed for hearing on 27.11.2007.

On 27.11.2005, Shri Pankaj Tanwar son of the Appellant was present on her behalf and on behalf of Respondent Shri Vivek, Executive Legal and Shri Y.K. Luthra, AGM, Moti Nagar were present.

4. During the hearing the Appellant informed that the electric connection for the ground floor premises which was earlier sanctioned and used for fabrication work was not in use after relocation of industries in March 2003. The IL connection was converted to "supply not in use" by Respondent on inspection after Appellant deposited Rs. 100/- on 7.5.2003 as inspection fee. A copy of the bill for March 2004 was produced for IL connection which clearly bears the remarks "supply not in use".

The Appellant further informed that after stopping fabrication work and industrial activities, the ground floor premises was used for domestic purposes and the domestic load of the ground floor was also transferred to the domestic meter on the 1<sup>st</sup> floor. The IL meter remained "not in use" and recorded nil consumption.

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At the time of installing electronic meters in December 2004, the electrician of the Respondent transferred the domestic load of the ground floor on the IL meter, and this meter also started recording consumption after 14.12.2004. On noticing that the IL meter was also recording consumption, the Appellant submitted an application in the office of Respondent on 15.3.2005 for changing the category of IL connection to domestic category, as there was no industrial activity in the premises. As no action was taken by the Respondent officials even after making site inspection, the Appellant got the load of ground floor portion again shifted to the domestic meter on the 1st floor. This was done to avoid increase in the disputed period.

In November 2006, the Appellant was handed over a table for energy charges calculated on domestic rate, indicating the energy charges due for the consumption recorded by the IL meter for the period 14.12.2004 to 20.7.2005 for an amount of Rs.10,859/-, and the Appellant made a payment of Rs.11,000/-. Despite making the payment, no correction in category was made in the bills.

- 5. The Respondent officials could not produce any inspection reports on the basis of which meter "not in use" was decided upon or when IL category of the connection was changed to DL category. The Respondent also admitted that there has been procedural delay in attending to the request for change in category.
- The only issue which remains to be settled are the charges for the period 14.12.2004 to 20.7.2005 during which the IL meter recorded consumption on account of domestic use on the ground floor, but IL tariff was charged. Even though the Inspection Report was not produced it is clear that on inspection no industrial activity was observed, since the IL category was converted to DL category and bills were raised with "Not in use". There is also no dispute regarding the quantum of energy consumption recorded by the meter.

After hearing both the parties, it is directed that domestic tariff be levied for the disputed period i.e. December 2004 to July 2005 since it would be fair to assume on the basis of record that the premises were not being used for industrial activity. The Respondent should raise a revised bill in accordance with the above directions.

The CGRF order is accordingly set aside.

David 27.11.07

(Suman Swarup) Ombudsman マフ・ロ・07

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