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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/2007/223

Appeal against Order dated 24.10.2007 passed by CGRF – BRPL in case no. CG/246/2007 (K.No. 2530 N503 0149)

In the matter of:

Smt. Meena Tuli

- Appellant

Versus

M/s BSES Rajdhani Power Ltd

- Respondent

Present:-

Appellant Shri Jaswant Singh, Advocate attended on behalf of the Appellant

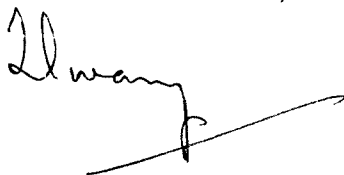
Respondent Shri Avanish K. Gupta, Business Manager, attended on behalf of
BRPL

Date of Hearing : 22.01.2008

Date of Order : 24.01.2008

ORDER NO. OMBUDSMAN/2008/223

1. The Appellant Smt. Meena Tuli has filed this appeal against the order of the CGRF-BRPL dated 24.10.2007, praying that the bill of Rs.33,420/- for the period February 2007 to October 2007 be modified on the basis of the previous year's consumption for domestic use.
2. The brief facts of the case are as under:
 - i) The Appellant's case is that the new electronic meter installed on 14.02.2007 for K.No. 2530 N503 0149 (Non-domestic) at the Appellant's premises at B-17, G.K. Enclave, Part – I, New Delhi was faulty due to which it recorded excessive consumption of electricity from February 2007 to July 2007, and that the Respondent raised bills on commercial basis when the electricity was used for domestic purposes.
 - ii) The consumption as per the old meter for this connection was 20 to 417 units, whereas the disputed bill showed an average of 1000 units per



month till June 2007. Later the average consumption had come down to 543 units after rectification of the fault.

- iii) The Appellant filed a complaint before the CGRF on 05.09.2007 stating that the Respondent had installed two electricity meters and had sent four months bills together for the months of February, March, April and May in the month of June 2007, and the consumer was left with no alternative but to pay the manipulated bills.
- iv) The Respondent vide their reply dated 6.12.2007 stated before the CGRF that after replacement of the meter for K. No. 2530 N503 0149 on 14.02.2007 the bill for the month of June 2007 was raised for the period 14.02.2007 to 25.05.2007, showing consumption of 2997 units for 100 days.
- v) The Respondent confirmed that the new electronic meter was tested on 15.06.2007 and 16.10.2007 and the variation was found to be within the permissible limit. Moreover, the connection was applied for non-domestic category for basement at the initial stage and, therefore, the tariff was correctly charged for non-domestic purposes.
- vi) The CGRF, after considering the records and submissions made by the parties, in its order dated 24.10.2007 directed the Appellant to make payment as per the bills raised by the Respondent, failing which LPSC be levied.

The Appellant not being satisfied with the order of CGRF dated 24.10.2007, has filed this appeal on 29.11.2007.

- 3. After perusal of the appeal, the records and information provided by the Respondent, the hearing was fixed on 22.01.2007. The Appellant was represented by her advocate Shri Jaswant Singh and the Respondent through Shri Avanish K. Gupta, Business Manager.
- 4. At the outset the Appellant was asked to clarify her locus-standi in the case since the connection was registered in the name of Smt. Kanta Tandon. It was informed that there was a dispute between the Appellant and the landlord Smt. Kanta Tandon, and the Appellant had filed an appeal against the landlord in the Hon'ble High Court. A copy of the appeal filed before the Hon'ble High Court was produced which indicates that the Trial Court vide its judgment dated 26.09.2007 has passed a decree of possession in favour of the owner of the premises Mrs. Kanta Tandon, who is also the registered consumer of the two meters. The RFA produced indicates that Ms. Meena Tuli is the Proprietress of M/s CMN NEWS TRACK with its office at B-17, Greater Kailash Enclave -1, New Delhi. In April 2001 the Appellant was inducted

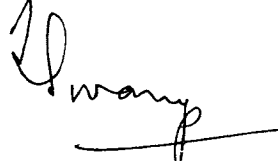
Jaswant Singh

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as a lessee with respect to premises no. B-17, Greater Kailash Enclave, Part-I, New Delhi consisting of four bed rooms one study room, one dining room, two lounges, two kitchen, one basement along with attached bathroom, servant quarter, garage etc. at a monthly rent of Rs.38,500/- by Mrs. Kanta Tondon. The premises are apparently being used by the Appellant as commercial space.

5. The Appellant at the outset submitted that the consumption pattern for the disputed meter installed for K. No. 2530N503 0149 for the basement, indicated a consumption of 20 units to 417 units, prior to change of the meter. However, after replacement of the meter by an electronic meter on 14.02.2007, the consumption recorded on 25.05.2007 was 2997 units, which appeared to be on the higher side, in comparison to the past consumption. The consumption recorded in the next billing cycle was 1725 units, 543 units and 210 units (for two months billing cycle each).
6. The Respondent submitted that there are two connections, one for ground floor K. No. 2530 0D53 0037 for domestic use, and the second for basement K.No. 2530 N503 0149 for non domestic use (under dispute). The consumption pattern of both the connections, submitted by Respondent, indicated that both the meters recorded high consumption of 4802 and 2997 units billed in July 2007 and consumption decreased to 2689 and 1725 units in August 2007, 1930 and 543 units in October 2007 and 896 and 210 in December 2007 respectively. It is observed that both the meters have recorded large variation in consumption, which appears to be due to actual use. The disputed meter of the basement was tested on 15.6.07 and again on 16.10.07 as per directions of the CGRF through ERDA and was found to be working within permissible limits of error.
7. After taking into consideration the facts on record, the averments and written submissions made by the parties, it emerges that the meter for K.No. 2530 N503 0149 (Non-domestic) installed at the premises rented by the Appellant is in order having been tested on two occasions and the electricity is apparently also being used for non-domestic purposes. As such, there is no justification for interference in the order of the CGRF dated 24.10.2007 and the appeal is dismissed.

24th January 2008


(SUMAN SWARUP)
OMBUDSMAN