

original

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/2007/228

Appeal against Order dated 21.10.2007 passed by CGRF–NDPL in
CG.No. 1457/09/07/MTN.

In the matter of:

M/s Usha Profiles Pvt. Ltd. - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri O.P. Ahuja attended on behalf of the Appellant

Respondent Shri Y.K. Luthra, B.A.H. (CT)
Shri H.C. Sharma, Sr. Mangaer (Enforcement)
Shri Vivek AM (Legal) all attended on behalf of NDPL

Dates of Hearing : 30.01.2008, 06.02.2008

Date of Order : 17.03.2008

ORDER NO. OMBUDSMAN/2008/228

1. The Appellant Sh. Hemant Chawla, Director of M/s Usha Profile has filed this appeal against the orders of CGRF-NDPL dated 21.11.07 in the case CG No. 1457/09/07/MTN stating that instead of restricting assessment of his consumption for the maximum period of six months reckoned back from the date of meter testing, Hon'ble CGRF has held the total assessed demand for a period of

Uwamy

19 months as valid. The Hon'ble Forum has relied upon the statement of the Respondent that because of the error in considering the CT ratios of line and that of meter, the Respondent had inadvertently taken the multiplying factor 1 instead of 2, and the same therefore did not fall under clause 19 (c) of the DERC Regulations. It is the Appellant's contention that the scope and applicability of Regulation 19 (C) has since not been defined / restricted by the Hon'ble DERC, and the slow working of the meter which may be due to any cause is assessable, for a period not exceeding six months. The orders of the Forum are, therefore, liable to be set aside.

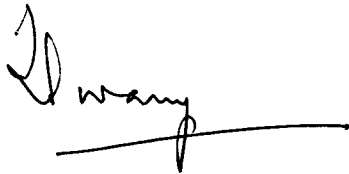
2. The background of the case is as under:-

- (i) The Appellant has a sanctioned load of 59.44 KW for industrial purpose at his premises. The Respondent installed a CT electronic meter on 23.3.05 and in the meter change report the CT ratio of the meter is recorded as 200/5. The CT ratio of the line is not mentioned in the said report. The bills were raised from 23.3.05 onwards by taking the unity multiplying factor. The CT ratio of the CT Box (line) existing was 200/5.
- (ii) On 10.10.06 during testing, the meter was found 50.03% slow and in the meter test report it was recorded that the meter CT ratio is 100/5 and the CT box ratio (line) is 200/5 and accordingly the multiplying factor 2 should have been applied for billing purposes, whereas the unity multiplying



factor had been considered for billing purposes. The meter was replaced on 19.10.06 and in the meter change report it is mentioned that the old meter was having a CT ratio of 100/5 and the new meter is of CT ratio 200/5.

- (iii) In the inspection report dated 26.10.06 it is recorded that the old meter was recording half the consumption and this seems to be a case of DAE with connivance. Based on this inspection report the Respondent issued a show cause notice dated 26.10.06 alleging DAE. Later on, a personal hearing was given to the Respondent but no speaking order was passed.
- (iv) A supplementary bill for the period 23.03.05 to 19.10.06 amounting to Rs.5,22,305.02 was raised by the Respondent on 28.08.2007. Against this bill the Appellant filed a complaint before the CGRF. During the hearing before the CGRF, the Respondent argued that there was a mis-match between the CT box (line) and the CT ratio of the meter installed, on 23.3.2005, as such multiplying factor 2 (two) was to be applied which escaped notice, and the supplementary demand has now been raised accordingly. The Respondent stated that it is a case of omission where the correct meter installation particulars were not shown in the report or fed into the system for the purpose of billing and the consumer continued to be billed for half the energy actually consumed by him.



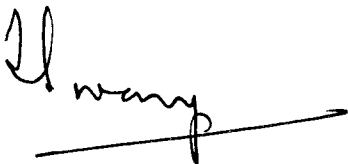
- (v) The CGRF in its order dated 21.11.07 decided that the supplementary demand raised for the period 23.3.05 to 19.10.06 is in order and the LPSC levied on non clearance of supplementary demand is waived off. The CGRF allowed the consumer to pay the dues in four equal monthly installments. The Forum also ordered that the official of the Respondent who failed to record the correct meter change particulars should be penalized and recommended that a sum of Rs.2000/- be recovered from the personal salary of the official and credited to the account of the Appellant.

Not satisfied with the orders of CGRF the Appellant has filed this appeal.

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by Respondent, the case was fixed for hearing on 30.01.08.

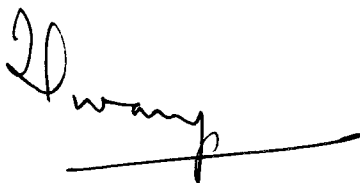
On 30.01.08, the Appellant was present through Sh. O. P. Ahuja, authorized representative, the Respondent is present through Sh. Vivek, AM (Legal), Sh. Y.K. Luthra, BAH (CT) and Sh. S. C. Sharma, Sr. Manager (Enforcement Cell).

4. Both the parties were heard. The Appellant reiterated the contentions already submitted by him in the appeal and admitted that the meter installed on 23.03.2005 was slow and he is willing to pay the assessment bill for the period of six months as per the DERC regulations. The Respondent stated that the meter installed on 23.3.05 was of CT ratio 100/5 whereas in the meter change



report it was recorded as 200/5. Because of this error the meter had recorded half the consumption from 23.3.05 to 19.10.06 till this meter was again replaced with another meter having a CT ratio of 200/5. The Respondent officials admitted that an error had been committed while recording the particulars in the meter change report on 23.03.2005 but could not explain how such an error was committed. The Respondent officials further stated that this discrepancy was noticed when the meter was tested on 10.10.06 during inspection and was found 50.03% slow and was therefore replaced on 19.10.06. It was enquired from the Respondent officials that :

- (i) If there was an error in recording of the CT ratio and the meter was OK, then why was the meter replaced?
 - (ii) If there was a problem in recording the CT ratio only, why a show cause notice for DAE was issued to the consumer?
 - (iii) After personal hearing why a speaking order was not passed to close the issue of DAE?
5. The Respondent officials stated that the meter was changed to avoid any further controversies. Regarding issuance of speaking order they replied that since no DAE could be established, as such no speaking order was passed. Respondent was asked to produce the records of the recorded MDI and consumption of electricity of both the old and new meters. The case was further fixed for hearing on 06.02.08.

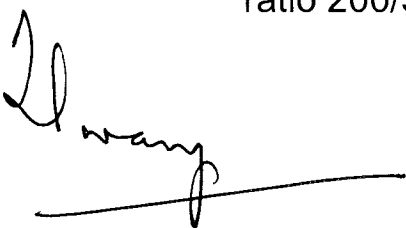


6. On 06.02.08, the Appellant was present through Sh. O. P. Ahuja. The Respondent was present through Sh. Vivek, AM (Legal), Sh. Y.K. Luthra, BAH (CT) and Sh. S. C. Sharma, Sr. Manager (Enforcement Cell).

The Respondent filed records of MDI and consumption of electricity of the old and new meters. The Appellant argued that on testing the meter was found 50.03% slow and the meter was replaced. The slow working of the meter may be due to any reason and to end the dead-lock., he is willing to accept the slowness of meter and as per rules he is willing to pay for six months.

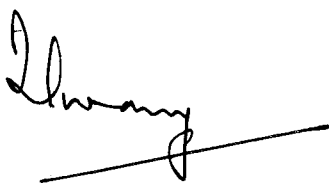
7. Based on the arguments of both the parties and the documents submitted it is observed that:

- (a) The meter change report dated 23.03.05 prepared and signed by the officials of the Respondent indicated the meter CT ratio as 200/5 whereas on inspection dated 10.10.06 the meter was found 50.03% slow and the meter CT ratio was recorded as 100/5. The slowness of the meter was found to be attributable to the mis-match of the meter CT ratio and CT box ratio.
- (b) The officials who changed the meter and prepared the meter change report dated 23.03.05 had recorded the incorrect CT ratio.
- (c) The meter test results indicated that the meter was 50.03% slow as a result of meter CT ratio being 100/5 and CT Box ratio 200/5.



- (d) Although, no tampering with the meter seal was observed during inspection on 10.10.06, but a show cause notice for alleged DAE was issued. Such allegations of DAE cause a lot of harassment to the consumer and for the Respondent it may be needless paper work only. Since a case of DAE was not established, as stated by the Respondent, a speaking order should have been passed to close the DAE issue as provided in the Regulations.
- (e) The issue remains whether there was a problem in the multiplying factor 2 which was not applied and this should have caused a drop/increase in consumption as compared to that of the meter prior to 23.3.05 and after installation of the new meter on 19.06.06. The consumption record submitted by the Respondent indicates that the average consumption of the meter prior to 23.03.05 for the period 01.03.04 to 23.03.05, average consumption for the period 23.03.05 to 19.10.06 when the CT meter was wrongly recording, and the average consumption when the new meter was installed on 19.10.06 for the period 19.10.06 to 20.10.07 as under:-


Period	Units	Days	Average Consumption
01.03.04 - 23.03.05	118164	387	305
23.03.05 - 19.10.06	106244	575	185
19.10.06 - 20.10.07	119107	366	325



The above analysis of consumption record clearly indicates that the consumption recorded was considerably low during the period 23.03.05 to 19.10.06. The reasons for low recording of consumption can be attributed to wrong recording of CT ratio in the meter change report of 23.03.05 and non-applicability of the multiplying factor-2 (two) for billing.

In view of the above, the Respondent is entitled to raise a bill for the supplementary demand for the period 23.03.05 to 19.10.06 by applying the multiplying factor -2 (two), instead of on the basis of the meter Test Report. The CGRF order is modified to the extent above.

17th march 2008.


(SUMAN SWARUP)
OMBUDSMAN