

**OFFICE OF THE ELECTRICITY OMBUDSMAN**

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

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

(Phone No.: 011-26144979)

**Appeal No. 23/2022**

(Against the CGRF-TPDDL's order dated 23.06.2022 in CG No. 13/2022)

**IN THE MATTER OF**

SHRI SANDIP SINGH

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri J.S. Bhatia, Advocate, on behalf of the Appellant

Respondent: Shri Ajay Joshi, Sr. Manager (Legal) on behalf of the TPDDL.

Date of Hearing: 31.08.2022

Date of Order: 01.09.2022

**ORDER**

1. Appeal No. 23/2022 has been filed by Shri Sandip Singh, R/o Plot No. 16, Bank Enclave, Rajouri Garden, New Delhi-110027, against CGRF-TPDDL's order dated 23.06.2022 in CG No. 13/2022.

2. The background of the case is that the Appellant had received a bill in the month of January, 2022 for Rs.5,609.44 for the period 01.12.2021 to 01.01.2022 (including an adjustment of Rs.3,566.71 for consumption of 555 units for the period from 13.07.2021 to 04.08.2021). The Appellant approached the Respondent stating that his premises was locked between 28.07.2021 to 05.08.2021 and 555 units seems to be more and specially when the meter was removed for being faulty. He was also not given a copy of faulty meter report. When the Appellant did not receive a satisfactory reply from the Respondent, he approached CGRF on 31.01.2022 for quashing/deleting the illegal imposition of assessed energy consumption of 555 units which is contrary to the principles of natural justice and is one sided action. Grievance with regard to meter being faulty was also raised while mentioning that his request for faulty meter report was not acceded to.

Further, the Appellant filed a rejoinder on 02.03.2022 and subsequently a final written submission on 11.05.2022 and prayed to pass the order taking into consideration the DERC guidelines, 2017 regarding imposing of penalty and compensation on the Respondent.

3. The CGRF in its order observed that the complainant has following two complaints:

(a) Regarding Wrong bill of 555 units for the period 13.07.2021 to 03.08.2021, during which his premises was unoccupied w.e.f. 28.07.2021, non compliance of Regulations 78(3), 45(5) and compensation/penalty under Regulations 74 (1) & 75 (1) of DERC's Supply Code, 2017.

(b) The conduct of officials of the Respondent and their high-handedness at the time of their visit at the complainant's premises.

4. The CGRF stated that the complainant has not submitted any document/proof which could prove that his premises remained vacant, during the period 28.07.2021 till 05.08.2021. Further, the parameter mismatch in KW/KVA reading has nothing to do with the consumption pattern. However, consumption pattern of the complainant remained the same. There is no substantial change or increase in the consumption pattern during the period under consideration; hence, the Forum did not find any infirmity in the impugned bill.

5. The CGRF further considered the Regulations 78(3), 45(5), 74 (1) and 75(1) quoted by the complainant in his complaint and held that they do not find any lacunae in the bill issued by the Respondent, which also is admittedly paid by the complainant.

6. Regarding Point 3 (b) supra, due to lack of sufficient proof to establish harassment/misconduct by the Respondent's officials, the Forum could only issue directions to the Respondent to make sure that the officials of the Respondent must conduct appropriately whenever visiting the consumers. The CGRF also cautioned the complainant not to use unwarranted, defamatory and contemptuous language in future. The CGRF held that the impugned bill issued by the Respondent is found correct and as per the regulations.

7. Aggrieved by the order dated 23.06.2022 passed by the CGRF, the Appellant filed this appeal on the grounds that the Respondent replaced the



electricity meter No. 52038760 due to non-working on the pretext of KW/KVA reading mismatch in contravention of the DERC's Guidelines, 2017 and against the principles of natural justice. The meter was removed but not sent for testing in the light of apprehension raised by the Appellant. The Appellant further stated that the CGRF did not discuss the mandatory issuance of notices/procedure for addressing issues of the consumers as per DERC Supply Code, 2017.

The Appellant, therefore, prayed as under:

- i) To set-aside the order dated 23.06.2022 passed by the CGRF.
- ii) To award penalty and compensation against the Respondent as per the DERC Supply Code, 2017.
- iii) Pass any other order in the fact and circumstances of the appeal and in the interest of justice and equity.

8. The case was taken up for the hearing on 31.08.2022. During the hearing all the parties were present, in person. An opportunity was given to all to plead their case at length.

9. The Appellant reiterated his grievance as before the CGRF and in their appeal. During the hearing, the Appellant denied that he has resisted the replacement of old meter and was non-cooperative with the officials of the Respondent. He contested that the Respondent allegedly served a notice u/s 163 of the Electricity Act, 2003 and pasted it on his outer wall of the premises which is not desirable and caused humiliation to him. He referred para 6 of WS of the Respondent which speaks about Regulation 32(2)(i) of DERC Regulations, 2017. He alleged that the Respondent itself admitted that the testing must be carried out within 15 days of replacement of meter.

The Appellant also contested that he did not sign on the Protocol Sheet of meter replacement. The entire focus of the Appellant's arguments revolved around allegations that there was highhandedness by the Discom in not apprising the reason for replacement of meter, intemperate use of language by the Staff and also no lab testing / forensic examination was carried out even after his request in this regard.



10. The Respondent reiterated the same as before the CGRF in their written statement submitted in this office. I have gone through the appeal, written statement of the Respondent very minutely. I have also heard the arguments of the both the parties. Relevant questions were asked and queries raised by the Ombudsman, Advisor (Engineering) & Advisor (Law) to get more information for clarity.

11. Upon consideration of the submissions made by the Appellant and the Respondent, it is apparent that there was lack of a formal communication about mismatch in the MDI (KW/KVA) downloaded data and total absence of furnishing of information to the Appellant at any stage during the replacement of the meter or in response to his various e-mail communications. Even the details of the data (mismatch) were not submitted for consideration before the CGRF. It was obligatory upon the Respondent to inform the Appellant the impact of the mismatch and his liability to pay enhanced load / fixed charges on the basis of the increased MDI readings. During deliberations, a downloaded data sheet was provided by the Respondent explaining various anomalies in the meter. Thus, it was a faulty meter which should be replaced not at the instance of the consumer but by the Respondent itself under Regulation 29(16) of DERC (Supply Code and Performance Standards) Regulations, 2017. It should have been provided at the earliest on the detection of the fault to the Appellant. The Respondent sent e-mails communication dated 03.08.2021 and 11.08.2021 and 28.01.2022 respectively to the Appellant in response to the e-mails received from the Appellant but without enclosing the detailed information referred to above. He, therefore, remained absolutely in dark for almost four months about the reasons for replacement of the meter.

12. There was also a failure on the part of the Respondent to raise pending demand of 555 units in the bill for the period from 13.07.2021 to 04.08.2021 in ensuing bills of itself in 2021 instead of raising it in January, 2022. No justification could be provided by the Respondent for this delay.

This court, accordingly, directs the Respondent to immediately provide the details of the mismatch MDI (KW/KVA) data reading to the Appellant for his information and understanding. This exercise must be done within 7 (seven) days of the receipt of this order. The Officers of the Respondent should also explain in person the impact of the mismatch on the bills. Regarding Appellant's claim of fake signature, it is a material fact that he was present but despite his reluctance, meter had been changed. Signature is not a material fact, as the meter was replaced on 05.08.2022 in his presence only. It is admitted fact the Appellant's meter was replaced with a smart meter.



13. During deliberations the four fold submissions were raised and considered, (a) High-handedness and misbehaviour by the Staff, (b) Lack of transparency on a/c of non provision of the lab test report and the details of the fault in the meter despite repeated e-mails, (c) Delay in billing and (d) Absence of robust Consumer Grievance Redressal Mechanism within the Discom. Accordingly, the following Advisory is issued to the Respondent:

- (i) For sensitizing its front line staff dealing with the consumer to be more consumer friendly and transparent in their dealings. Necessary training and refresher programmes may be devised for this purpose. This exercise could save precious time of the consumers, CGRF as well as the Ombudsman and prevent protracted and unnecessary litigation while enhancing the reputation of the Discom.
- (ii) Need for robust mechanism within the Discom for resolving consumer grievances in an effective and efficient manner, and issue of necessary guidelines to all concerned, for their proper implementation.

The above advisories should be brought to the notice of the CEO and those at the helm of affairs for efficient monitoring to improve services to the satisfaction of the consumers and ameliorate their grievances at their level preferably.

14. Given the above exposition, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.



(P. K. Bhardwaj)  
Electricity Ombudsman  
01.09.2022