

**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/2007/236**

Appeal against Order dated 11.06.2007 passed by CGRF – BYPL in complaint no. CG-120/04/07.

**In the matter of:**

Shri Swaran Singh - Appellant

**Versus**

M/s BSES Yamuna Power Ltd - Respondent

**Present:-**

**Appellant** Shri C. Kumar, Advocate attended on behalf of Appellant

**Respondent** Shri Rajeev Ranjan, Assistant Manager (Legal)  
Shri Dilip Aggarwal, Section Officer, attended on Behalf of BRPL

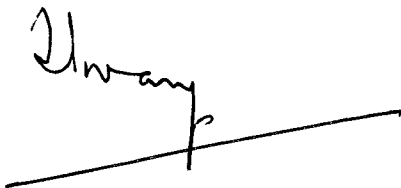
**Date of Hearing :** 12.02.2008, 26.02.2008

**Date of Order :** 27.02.2008

**ORDER NO. OMBUDSMAN/2008/236**

1. The Appellant, Shri Swaran Singh, has filed this appeal against the order of CGRF-BYPL dated 01.06.2007 in the complaint no. 120/04/07, with the following grounds of appeal:

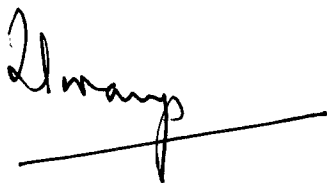
- i) That the impugned order dated 01.06.2007 passed by the Ld. Grievance Forum is based upon conjectures and surmises and is based upon the wrong and misleading statements and submissions of the Respondent, hence the same is liable to be set aside.



- ii) That the complaint no. 120/04/07 filed by the Appellant may be decided and adjudicated in favour of the Appellant and against the Respondent with costs by declaring the impugned demand of Rs.1,13,713.04 of MDI as null and void, illegal and unconstitutional.

2. The background of the case is as under:

- i) The Appellant has an electric connection with K. No. 12510A090007 for a sanctioned load of 15.92 KW. The meter no. 17017128 was suspected to be faulty and was replaced by the Respondent on 18.11.2006 with meter no. 17025906. During the inspection dated 18.11.2006 the connected load found was 7.436 KW.
- ii) The old meter no. 17017218 was sealed and sent for testing / segregating of meter at Yojana Vihar Lab of the Respondent. The lab vide its report no. 0223 has concluded that the meter hologram seal was found in order as per visual observation. No physical irregularity was observed, as per functional test LCD and meter LED were found okay, the accuracy could not be tested due to meter being faulty, the MDI recorded was 238.84 kw and it is due to meter set to abnormal externally, the voltage recorded was very low i.e. 135.7, 140.30, 128.8, which is not possible from the distribution supply. Neutral disturbance was recorded 15 times. This is due to some signal given to the neutral.
- iii) The Appellant's premises was again inspected on 17.01.2007 when the connected load of 7.501 KW was found against the sanctioned load of 15.92 KW.
- iv) Based on the lab report of the meter and the site inspection reports, the Respondent raised two demands, one of an FAE bill dated

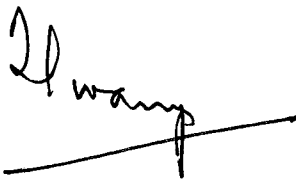


12.04.2007 for an amount of Rs.3,32,665/- and the second based on the MDI of 238.84 KW recorded by the meter from February 2006 to August 2006. The Appellant is contesting the FAE bill in the court of Hon'ble ADJ, Tis Hazari.

- v) Against the demand raised, based on the MDI (LIP basis), the Appellant filed a complaint before the CGRF-BYPL. During the course of hearing before the CGRF on 25.05.2007, the Respondent informed that the connected matter is pending in the court of Hon'ble ADJ and submitted that the CGRF should not deal with this complaint. It was also pointed out that the arrears shown, relate to the FAE case which has been challenged in the Civil Court by the complainant. The CGRF observed in its order that the main grievance of the complainant in the suit before the Civil Court and the complaint filed before the Forum relate to the same subject matter and the jurisdiction of the Forum is barred in view of the plaint before the Hon'ble ADJ. The CGRF further observed that the consumer / complainant has concealed this fact while filing the complaint before the Forum. Therefore, the complaint is rejected and since the complainant had concealed this fact, a cost of Rs.500/- was imposed on him.

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

3. After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the parties the case was fixed for hearing on 12.02.2008.

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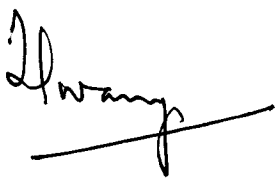
On 12.02.2008, the Appellant was present alongwith his advocate Shri C. Kumar. The Respondent was present through Shri Rajeev Ranjan A.M. Legal.

Both the parties were heard. The Respondent is directed to file the statement of account, the inspection report dated 18.11.2006, and also the company's policy in cases where MDI and FAE are both alleged for the same period. The consumption pattern for the K.No. 12510A090007 after November 2006 to date, be also made available before the next date of hearing on 26.02.2008.

4. On 26.02.2008, the Appellant was present through his advocate Shri C. Kumar. Respondent is present through Shri Rajeev Ranjan, A.M., Legal and Shri Dilip Agrawal, Section Officer.

Both the parties were heard. The Respondent has filed the statement of account and states that they are separately pursuing the FAE case in the Civil Court. The issue under consideration is therefore regarding raising of the bills based on the MDI for the period February 2006 to August 2006.

5. The consumption pattern / reading details submitted by the Respondent reveal that the MDI of 239.84 was recorded by the meter in each month from February 2006 to August 2006. To a query as to how a meter can record the same MDI upto two decimal places, continuously for seven months? The Respondent officials stated that this may be due to the meter being faulty. The Appellant argued that the meter being faulty, was changed on 18.11.2006, and the MDI recorded is therefore incorrect. The lab report also stated that the high MDI recorded is due

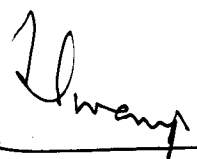


to meter set to abnormal externally. The consumption pattern reveals that the recorded consumption has varied from 120-210 units from February 2006 to August 2006. The Respondent officials could not give any satisfactory reply to the query that if the MDI of 239.84 KW is based on actual load in use, then why was the recorded consumption so low. The consumption pattern is almost the same as it was before February 2006 and after August 2006. During these periods the maximum MDI recorded was about 2.42 KW.

6. It is observed that the meter has recorded the same MDI from February 2006 to August 2006 due to unexplained reasons, with very low consumption of energy recorded by the meter for the period. The connected load, checked twice, was found to be less than 8 KW. With such a low connected load, the MDI cannot be 239.84 KW. As per the lab report the meter could not be tested as it was found to be faulty and was replaced on 18.11.2006. In view of these facts it can be concluded that the MDI recorded was incorrect. This is further supported by the fact that the connected load was less than 8 KW. The bill raised on MDI basis recorded by the faulty meter in my view is not liable to be paid by the Appellant and is quashed.

**The CGRF order is accordingly set aside.**

27/5 February 2008

  
(SUMAN SWARUP)  
OMBUDSMAN