

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/2007/238

Appeal against Order dated 26.11.2007 passed by CGRF–NDPL in CG.No. 1512/10/07/MDT (K.No. 31300455898).

In the matter of:

Shri Shiv Narain Garg

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant

Shri Shiv Narain Garg, Appellant attended in person

Respondent

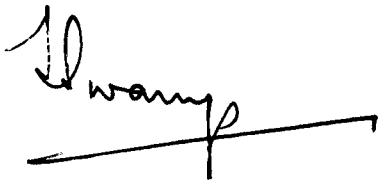
Shri H.C. Verma, HOG (Comm. Mgmt.), Model Town
Shri Radhesh Kishore Singh, HOG (R&C), Model Town and
Shri Vivek AM (Legal) attended on behalf of NDPL

Date of Hearing : 14.02.2008

Date of Order : 21.02.2008

ORDER NO. OMBUDSMAN/2008/238

1. The Appellant, Shri Shiv Narain Garg has filed this appeal against the order of the CGRF-NDPL dated 26.11.2007, in the case no. 1512/10/07/MDT by stating that the order was passed without going through the facts stated in his representation. The Appellant has requested that the CGRF order be set aside.
2. The background of the case is as under:
 - i) Under the mass meter replacement scheme of the Respondent the meter at the Appellant's premises was replaced on 06.01.2004 at the last reading of 361. The statement of account for the



K.No.31300455898 indicates that the meter was stuck at the reading of 360 since 09.07.2002.

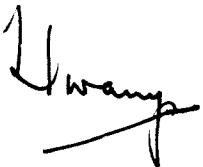
- ii) The Respondent raised the assessment bill amounting to Rs.2158.96 in August 2007, for the period 06.07.2003 to 06.01.2004 i.e. only for six months as per DERC Regulations, though the meter was lying stopped since 09.07.2002. The assessment was made on the basis of the average consumption for the period 06.01.2004 to 12.01.2005, as the consumption pattern of the old meter was not available, since it was lying stuck at the same reading since 09.07.2002.
- iii) The Appellant disputed the assessment made by the Respondent by stating that the assessment bill was sent in the month of August 2007 after a lapse of more than two years. The Appellant further stated that neither any intimation / show cause notice was served on him regarding the meter being faulty or of the new meter being kept under observation from 06.01.2004 to 12.01.2005. The Appellant filed a complaint before the CGRF-NDPL. The CGRF in its order dated 26.11.2007 observed that the Respondent has restricted the assessment to six months period only in terms of Regulations 43(1) of the Delhi Electricity Supply Code and Performance Standard Regulations 2007 of DERC. The CGRF decided that the assessment by the raising of the bill on actual consumption basis, is in order, and is payable by the consumer. A sum of Rs.3,410/- was due against the Appellant as on 25.09.2007, which includes LPSC of Rs.60/- only, which was waived off.

Not satisfied with the above 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 14.02.2008.

On 14.02.2008, Shri Shiv Narain Garg was present in person. Respondent was present through Shri H. C. Vema, Shri Radhesh Kishore Singh HOG (R&C) Model Town and Shri Vivek A.M. (Legal).

- 4. Both the parties were heard. The Appellant reiterated the submission already made in his appeal. The Respondent stated that the meter was lying stuck at the same reading i.e. 360 since 09.07.2002 and the Appellant was being billed on provisional basis (meter faulty). As the Appellant had been receiving the bills wherein the same reading was being indicated, so the Appellant cannot say that he was not aware that the meter had stopped, and was faulty. Infact the Appellant should have made a complaint regarding the faulty meter. The Appellant responded that he was not aware



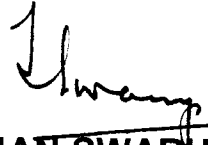
of the meter being faulty as he was not residing at the premises during the period. The Appellant does not dispute that the meter was faulty and that he had been receiving provisional bills for the period 09.07.2002 to 06.01.2004.

The Respondent further stated that though the period when the meter remained defective is much more than six months, but the assessment has been restricted only for a period of six months as per rules, and to avoid any objections later on.

After considering the facts and the averments of the parties, I do not find any force in the appeal. I do not find it necessary to interfere with the order of the CGRF-NDPL dated 26.11.2007.

The appeal is therefore dismissed accordingly.

21st February 2008.


(SUMAN SWARUP)
OMBUDSMAN