

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. 24/2021

(Against the CGRF-BRPL's order dated 30.07.2021 in CG. No. 94/2020)

IN THE MATTER OF

Shri Sandeep Kumar

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Sandeep Kumar

Respondent : Shri S. Bhattacharjee, Sr. Manager, Shri Parveen Bajaj,
AFO and Shri Deepak Pathak, Advocate, on behalf of
BRPL

Date of Hearing: 29.10.2021, 15.11.2021 & 29.11.2021

Date of Order: 10.12.2021

ORDER

1. The Appeal No. 24/2021 has been filed by Shri Sandeep Kumar on behalf of the Registered Consumer Smt. Anisha Narang, against the order of the Forum (CGRF-BRPL) dated 30.07.2021 passed in CG No. 94/2020. The issue concerned in the Appellant's grievance is regarding the inflated bills received by him from the Discom (Respondent) during the period from July, 2020 to October, 2020, against his electricity connection bearing CA No. 102927063 installed at CC-27E, Second Floor, G-8 Area, Rajouri Garden, New Delhi - 110064.

2. The brief background of the appeal arises from the facts that the Appellant started receiving inflated bills against his electricity connection from July, 2020 onwards without any increase of load on his premises. He stated that he is continuously suffering from severe mental harassment and agony since July, 2020 onwards because of extremely high electricity bills issued by the Discom. He further alleged that the electricity bills raised were completely in contrary to all his previous bills on the said address since March, 2019, from when he started staying there. He further stated that electricity bills received by him from July, 2020 onwards are on an average of Rs.11,000/- (Approx.) per month and it is neither feasible nor possible for him to pay such an extremely higher bills. The Appellant raised this issue multiple times with the Discom telephonically as well as through e-mail but their officials came for inspection only in the month of October, 2020. He further submitted that all the appliances were inspected by the Discom on 14.10.2020 and although all the facts were explained to them yet no report of connected electrical load of household appliances was provided to him. The Appellant also stated that the Discom has shown his consumption of approx. 6 KW (MDI) on the bills whereas his sanctioned load is hardly 1 KW. He received a reply from the Discom that the reading has been downloaded and bills are being issued on the basis of actual downloaded readings only. Further, it was also conveyed by the Discom that his meter has been tested and its accuracy has been found to be within permissible limits.

As the Appellant was not satisfied with the responses of the Discom and his grievance was not being resolved, therefore, he approached the CGRF for redressal of the same. The CGRF heard the case of the Appellant at length and decided that there is no anomaly in the bills as raised by the Discom and hence nothing remains to be adjudicated in the matter. Being not satisfied with the decision of the CGRF, he has preferred this appeal on the grounds that he was not provided with the opportunity to bring the videography of inspection conducted on 14.10.2020 with regards to load assessment on record during the hearing in the CGRF. The Appellant further conveyed that vide letter No. PG/41 dated 11.11.2020, the Discom stated that during the site visit on dated 14.10.2020, it has been found that the recorded consumption is matching with the connected load. However, the CGRF did not take any cognizance of this false statement of the Discom which is also at

variance with the statement given by them vide their letter No. PG/44 dated 08.12.2020, wherein they have stated that they had scheduled a visit on dated 14.10.2020 for the satisfaction and understanding of the Appellant, only to check that the instantaneous MDI/consumption reflecting in the meter is as per the running load. The Discom vide above letter has also conveyed that no visit was ever scheduled for the survey of his load.

Secondly, the Appellant has also tried to compare the MDI's in various months from July to October, 2020 and the corresponding units consumed therein, in support of his arguments in order to prove that the consumption is not commensurate with the MDI's recorded and hence the meter was recording abnormally high consumption. In addition to above, the Appellant has also submitted two judgements related to the cases of high consumption due to jumping of the meters and overloading of transformers on account of voltage fluctuations etc. in order to prove his point that his consumption might have been high due to such reasons as explained in the two judgments from Punjab and Haryana. In view of above background, the Appellant has prayed to set-aside the order of the CGRF, direct the Discom to not to disconnect the electricity connection of his premises until the final order is issued and award suitable compensation for the mental harassment and agony caused to him.

3. The Discom in its reply submitted that the grievance of the Appellant in the instant appeal is that he got inflated bills since the month of July, 2020 onwards whereas the bills of the Appellant were raised as per the readings of the meter. The meter was also got tested in the presence of the Appellant on 12.10.2020 and the same was found to be 0.18% high, which is within the accuracy limits as per the DERC Supply Code and Regulations. In view of the facts that the meter was found within the accuracy limit, there is presumption of correctness of reading and proper functioning of the meter and as such unless proven otherwise by the Appellant, it cannot be presumed that he was getting inflated/excessive bills. There is nothing on record except the self-serving statement of the Appellant to sustain the theory of inflated bills and meter jumping. The reasons so attributed by the Appellant for the so called inflated/excessive bills are hypothetical and figment of imagination and without any basis and reasons and as such the present appeal dehors the merit and bereft of any material and liable to be dismissed.

The CGRF, in order to test the allegation of excessive billing, not only got the meter tested but also examined in details, the consumption pattern with MDI and was satisfied that the bills so disputed by the Appellant are commensurate with the MDI recorded by the meter and returned with the findings that there is no anomaly in the bills and same are in order. In view of in-depth analysis of the case and reasoned finding, the impugned order does not suffer from any infirmity and the present appeal merits dismissal. The meter testing report, consumption pattern, reply/documents filed in the proceeding before the CGRF, have been annexed for reference and record by the Discom. The Discom further submitted that it is again clarified that electricity supply of aforesaid connection was disconnected on 27.08.2021 after issue of disconnection notice. The Appellant made payment of current bill of Rs.18,940/- on 01.09.2021 and therefore the supply was restored and the same meter was installed on 02.09.2021.

The Discom also stated that as the Appellant raised his concern to the Customer Care again and a visit was accordingly scheduled on 14.10.2020, only to check whether the instantaneous MDI/consumption reflecting in the meter is as per the running load or not. No visit was ever scheduled for his load survey. The bills were based on actual readings and were found to be O.K. Meter was also got tested and found to be working within permissible limits. The Appellant was also informed to pay the outstanding amount of Rs.26,800/- pending since August, 2020. Further, with regard to consumption pattern vis-à-vis relooking into the previous pattern, it is stated that the change in consumption is due to the seasonal variances only i.e. the disputed bills are of summer season whereas the consumption, the Appellant is referring to, is of winter season and they cannot deduce anything with the comparison of consumption of two different seasons. Secondly, against the complaint of the Appellant, meter was tested on 12.10.2020 in his presence and its accuracy was found to be within permissible limits. In addition to above, the Discom conveyed that the Appellant had cited the case filed before the Hon'ble State Consumer Dispute Redressal Commission, Panchkula, Haryana and in this regard it is stated that it is a separate case and does not have any commonality of whatsoever with his complaint. Regarding the issue of assessment of the connected load raised by the Appellant, it is again confirmed that no assessment of connected load was ever done by them. At

the time of testing of meter, only to clear his doubts regarding the recorded MDI, MDI reflected in his meter was verified with the running load at that point of time, which was also earlier clarified in letter Nos. PG/41 and PG/44 dated 11.11.2020 and 08.12.2020 respectively. In view of above, the Discom stated that the disputed bills are OK and have been raised in accordance with the DERC's guidelines. Therefore, there is no merit in the appeal of the Appellant and the same is liable to be dismissed.

4. After hearing both the parties and considering the material on record, it is observed that the Appellant has alleged that he received inflated bills for the months of July, 2020 onwards till October, 2020. It is also noted that the meter was got tested on 12.10.2020 by the Discom in the presence of the Appellant/representative of the Appellant, the meter testing report was also duly signed by him and the same was found to be 0.18% high, which is within the accuracy limits as prescribed under the instant regulations. From the above, it is quite evident that the meter had been working alright and the contention of the Appellant that he had received inflated bills since July, 2020 onwards till October, 2020 is not tenable. Further, in view of the facts that the meter was found to be working within the accuracy limits and the Appellant could not place any valid reason whatsoever in order to prove that the Discom has raised inflated bills, the contentions of the Appellant regarding receiving higher bills are misconceived and not sustainable.

In addition to above, the consumption during the disputed period has been found to be commensurate with the MDI's (Maximum Demand Indicator) recorded during the same period by the meter. The so called disputed/inflated bills were also verified by the Discom with respect to the relevant tariff order and no discrepancy was detected in the bills, the details of which were also shared with the Appellant by the Discom in order to clear his doubts. With regards to the consumption pattern during the disputed months from July to October, it is quite evident that the consumption was high basically on account of seasonal variations. The disputed bills are related to the summer months when the consumption is generally high and the same cannot be compared to the consumption pattern of the winter months. In view of above, nothing can be deduced by comparing the consumption of two different seasons. It is also observed that the bill for the month of July, 2020, for 2055 units, was for four

months on account of lockdown due to Covid-19 in the preceding months, and therefore, there is no reason to believe that the bill for July was inflated. As regards the next three bills for the months from August to October, since the consumption is commensurate with the MDI's recorded by the meter and as it was peak summer season, no anomaly is found in the bills raised and the same are in order.


Further, if the Appellant was not feeling satisfied with the working of the meter and was having some doubts like irregular jumping etc., he could have gone in for third party testing at that time as per Regulation 32 (2) of DERC (Supply Code and Performance Standards) Regulations, 2017, which would have cleared his doubts. The Appellant, however, can still go in for the third party testing, in order to clear the alleged jumping fault in the meter, if he so wishes and if he has any other doubts about the working of the meter, as per Regulation 32 (2) supra read alongwith the amendment dated 15.02.2018 regarding "Testing of the Meter in Case of Dispute or on the Request of the Consumer" wherein his meter will be got tested by an accredited laboratory notified by the Commission. However, the decision of the accredited laboratory other than that of the licensee, as the case may be, shall be final and binding on the licensee and the Appellant. In view of the foregoing, it is held that bills raised by the Discom are for actual consumption on actual readings basis and the Appellant has to pay for the electricity he has consumed.

As regards the contention of the Appellant regarding the assessment of the load, it has been clearly stated by the Discom vide their letters dated 11.11.2020 and 08.12.2020 that they scheduled a site visit on 14.10.2020 to find out whether recorded consumption is matching with the connected load or not and further to check that if the instantaneous MDI/consumption reflecting in the meter is as per the running load at that point of time. They further informed that no visit was ever scheduled for the survey of the connected load of the Appellant. In addition to above, as stated himself by the Appellant that Discom were to visit his premises to assess the connected load with reference to his complaint in the PGMS, it is observed that since the complaint in the PG Cell was withdrawn by the Appellant before pursuing the matter in the CGRF, therefore, the Discom seems to have never pursued with the assessment of

the connected load. In view of the same the contention of the Appellant with regards to assessment of connected load is not sustainable.

The Appellant has also cited the case filed before the Hon'ble State Consumer Disputes Redressal Commission, Panchkula, Haryana, in support of his contention regarding jumping of meter. After perusal of the same, it is held that the facts of the said case are different from the present complaint and there is no commonality between the two cases. In the present case no jumping of the meter has been found to occur during the testing of the meter. However, the Appellant can again go in for the third party testing as per the applicable Regulation 32(2), in order to find out for the any alleged jumping defect of the meter, if he so wishes. Hence, the contention of the Appellant in this regards is misconceived and cannot be considered.

In view of the above background, it is concluded that no intervention with the verdict of the CGRF is warranted. The appeal is disposed of accordingly.


(S.C.Vashishta)
Electricity Ombudsman
10.12.2021