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Office of the Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi – 100 057
(Phone No.: 39506011 Fax No.26141205)

Ref: E.OBM/A/05/25

Dated: 29th July, 2005

Appeal No. F. ELECT/Ombudsman/2005-06/25

Appeal against Order dated 24.05.2005 passed by CGRF – BRPL vide their Order No: CG/74-2005/f1/749

In the matter of: M/s Tabasko Hospitality Pvt. Ltd. - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri R Durga Prasad, Director
Shri S.L.Sharma, Audit Manager and
Shri Pawanjit Singh Bindra, Advocate

Respondent Shri R.R.Panada, Dy. Manager (KCC)
Mrs. Renu Antony, Addl. Mgr. (Customer Care) of
BSES -BRPL

Date of Hearing : 19.07.2005 & 28.7.2005

Date of Order : 29.07.2005

ORDER NO. OMBUDSMAN/2005/25

This is an appeal against CGRF- BRPL Order No: CG/74-2005/f1/749 dated 24.5.2005. The appellant's company is engaged in the business of running and operating restaurant under the name and style of "FORUM" based in the premises bearing No: 7E, LSC Masjid Moth, Greater Kailash – II, New Delhi – 110 048. The appellant applied for a new connection which was given in November 2003.

It received the first bill for Rs.13,24,747/- for a period from November 2003 to 31st October 2004 on 28.11.04. In its petition before the CGRF-BRPL, it is stated, when the above bill was received for a whole year, the appellant immediately informed the Discom that the demand raised in its bill for Rs13.44 lakhs for the preceding one year was excessive and therefore requested for checking of the meters. (On being threatened to disconnecting the electricity the appellant deposited a sum of Rs.4.35 lakhs). Its grievance is that despite its request for checking of the meters nothing was done, but, further bill were raised. Details of the bills have been given in the petition.

The appellant referred to Regulations 18 & 19 of DERC (Performance Standards, Metering & Billing). Regulations 18, **requires the Discoms to read the meter once in every billing cycle. It further provides that in case, for any reason, meter is not read during any billing cycle the licensee/Respondent shall send a provisional bill based on average consumption of last three billing cycles.....**

Regulation 19 requires the Discoms to;

- (i) **to conduct periodical inspection/testing and calibration of the meters**
- (ii) **to replace the meter if it is found to be fast beyond the specified limits**

The CGRF-BRPL after examining the issues raised by the appellant ordered that no relief could be given as the bills were issued on the basis of actual readings recorded by the meter. They have also referred to the test results of the meter as on 1.2.2005 which showed that the meter was functioning within permissible limits. It is against this order that the appellant filed an appeal before the Ombudsman.

After careful examination of the contents of the appeal, the case was fixed for hearing on 19.7.2005. The respondent was directed to attend on 19.7.2005 alongwith **installation particulars of the meter** in regard to file of K. No: 2120/5000/1824/Alaknanda. On 19.7.2005, Shri R.R.Panda of Key Consumer Cell (KCC) of the Respondent alongwith Ms. Renu Antony attended the hearing. Shri Durga Prasad, Director alongwith Shri S.S.Sharma, Audit Manager attended the hearing. Its advocate Shri Pawanjit Singh Bindra did not attend the hearing although he could have thrown some light on the facts as may be required to dispose of the case. Shri Panda also

did not bring the installation particulars of the meter as required. Therefore, the case was adjourned to 28.7.2005 on the request of the appellant.

On 28.7.2005, the case was heard. Shri Pawanjit Singh Bindra, Advocate of the appellant and Shri Panda ^{dependent} attended the hearing. He produced the consumption pattern of the appellant as per the records/data down loaded from the meter from November 2003 to July 2005. Apart from the consumption pattern as mentioned above he also produced details of load consumed by the appellant every half an hour of the entire above period. Graphs/charts filed in this regard are completely down loaded which can not be tampered and show the time of reading, the meter/reading count, the KVA, KW, MD etc. Complete details have been filed which leave no doubt about consumption of energy by the appellant. A copy of such consumption pattern was given to the advocate of the appellant Shri Pawanjit Singh Bindra. This consumption pattern shows monthly consumption pattern from month to month. It shows higher consumption of electricity from 1.5.2004 to 1.10.2004 and also shows consumption of higher KW as against the sanctioned load 47 KW. The consumption has increased upto 96.2 KW at times as against the sanctioned load of 47 KW. This violation i.e. maximum demand exceeds sanctioned load, also results in increase of bill because of the penal charges for consumption of higher load than the sanctioned load.

The details filed by the Discom further show that the meter reading was 1 (one) at the time of installation of meter and the first reading as on 1.12. 2003 (for 22 days) is 7461 units. On enquiry it was found that the area of usage for business (by the appellant) is about 5000 sq. ft. which includes basement, mezzanine and first floor of the building.

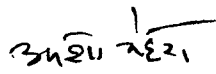
It also emerged that the appellant's meter has been tested on three different occasions; i.e on 1.2.2005, 28.5.2005 and again on 8.7.2005 by Central Power Research Institute (CPRI) and was always found working within permissible limits. There is, therefore, no reason to believe that there is any mal-functioning of the meter as it has been found working within the permissible limit on three different occasions during testing.

The appellant is advised to get his sanctioned load enhanced to avoid violation charges which also go to increase bills raised on him.

Considering the above evidence filed by the respondent, the order of the CGRF holding that the bills raised by the Discom are in accordance with the actual reading of the meter is in order and is accordingly upheld.

As per DERC clause 39 of chapter IX of Performance Standards – Metering and Billing) Regulations, 2002 “ In case the first bill is not raised within six months from the date of energizing the connection, a penalty of Rs.500/- shall be payable by the licensee”.

In this case the first bill was raised after a year of energizing the connection. Therefore, penalty of Rs.500/- is levied on the Respondent. The penal amount is payable by the Respondent to the DERC under intimation to this office.


(Asha Mehra)
Ombudsman