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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/2008/255

Appeal against Order dated 08.02.2008 passed by CGRF-BRPL in case No. CG/03/2008.

In the matter of:

Shri Madan Mohan Kathuria - Appellants

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri Madan Mohan Kathuria was present in person

Respondent Shri Avanish Gupta, Business Manager
Shri Dharmendra Ahuja, Commercial Officer,
Shri Arvind Pathak, Engineer (Trainee)
attended on behalf of BRPL

Dates of Hearing : 17.04.2008, 30.04.2008, 29.05.2008,
12.06.2008, 19.06.2008, 25.06.2008

Date of Order : 30.06.2008

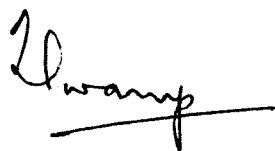
ORDER NO. OMBUDSMAN/2008/255

1. The Appellant, Sh. Madan Mohan Kathuria, has filed this appeal against the orders of the CGRF-BRPL dated 08.02.2008 on the ground that he could not get justice before the CGRF, because the Business Manager of the Respondent company did not furnish correct information to the Forum.

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2. The background of the case as per records is as under:-

- i) The Appellant states that he lives in a small one bedroom-kitchen-hall apartment on the second floor (half portion) of house no. D-133, East of Kailash, New Delhi, built on 200 sq. yards belonging to his brother. A separate electricity connection vide K. No. 2530 N526 1080 was sanctioned/provided to him in November 2006 by the Respondent. From day one, the Appellant felt that the meter no. 23472589 was running very fast. He met the Business Manager who assured him that the matter will be looked into.
- ii) The Appellant received bills which he found exorbitant. As no action was taken by the Business Manager on his complaints, he filed a complaint before the CGRF on 04.01.2008. The Appellant contends that his meter was burnt on 11.11.2007 due to the interference of his elder brother Sh. Inder Kumar Kathuria who is the owner of the premises and lives on the ground floor. The Respondent replaced the meter no. 23472589 on 24.11.2007 by a new meter No.23618585. The Appellant has stated that the assessment of electricity consumption made by the Respondent due to burning of the meter was unjustified.
- iii) The first floor of the premises occupied by another brother of the Appellant, Sh. Krishan Kathuria, was getting supply from another connection vide K. No. 2510 N621 0128 whose registered consumer is their elder brother – Sh. Inder Kumar



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Kathuria residing on the ground floor. This connection was disconnected on 27.09.2007 on account of non-payment of dues. The Appellant further contends that since 27.09.2007, he has allowed his brother Shri Krishan Kathuria who lives on the first floor, to draw electricity from his meter on the second floor and this was done with the permission of the Business Manager. The Appellant has however not enclosed the copy of the assessment made for the burnt meter or permission from the Business Manager for extending the supply from the second floor meter to the first floor.

- iv) The Appellant prayed before the CGRF that the bills raised by the Respondent for the second floor meter no. 23472589 were very high and the Respondent be directed to revise the bills on the basis of electricity actually consumed for a portion of the second floor w.e.f. November 2006 till 27.09.2007, and from 27.09.2007 onwards, as per the meter supplying electricity for his second floor portion plus the first floor. It has not been clarified by the Appellant, whether on burning of the meter no. 23472589 on 11.11.2007, whether any complaint was made to the Respondent or not, and as to how the supply was got restored. The burnt meter was replaced only on 24.11.2007.
- v) The Respondent stated before the CGRF that the assessment was done for meter no. 23472589 for the period 26.09.2007 to 24.11.2007 (during this period supply was fed to the second floor as well as to the first floor from the same meter) and the

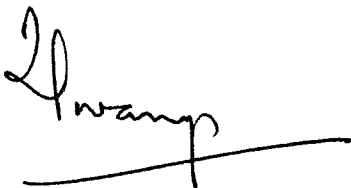
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payable amount comes to Rs.41,421/- after adjustment of payment of Rs.25,000/- deposited by the Appellant.

- vi) The CGRF was of the view that assessment for the period for which the supply remained direct on account of burning of the meter, i.e. for the period from 26.09.2007 (when a reading was available with date of meter being burnt on 11.11.2007) and upto 24.11.2007, (when the burnt meter was replaced), has to be done on the basis of the consumption recorded by the meter, when it was feeding supply to both the floors, i.e. the first floor and the second floor. It may be worth while to mention that both the floors were being supplied electricity from this meter when the meter No. 23472589 against the connection No. 2530N5261080 got burnt. The Forum directed that assessment of the period from 26.09.2007 to 24.11.2007 may be done on the basis of the consumption recorded by the new meter for the period from 24.11.2007 to the month of March, 2008 i.e. at least for two billing cycles, depending upon the date of the reading.

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

3. After scrutiny of the records and after obtaining the required clarifications from the Respondent, the case was fixed for hearing on 17.04.2008.

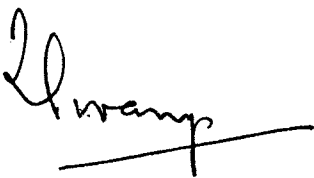


On 17.04.2008, the Appellant was present in person. The Respondent was present through Sh. Avanish Gupta, Business Manager (Div.) Nehru Place, along with Sh. Dharmendra Ahuja, Commercial Officer.

Both the parties were heard at length. The Statement of Account of K. No. 2530N5261080, the connection for the second floor was filed and was taken on record. The Appellant stated that the new meter no. 23618585 installed on 24.11.2007 is running very fast. The Respondent informed that the meter was tested on 09.01.2008 and was found to be 0.5% fast i.e. within the permissible limits. As the Appellant was not satisfied with the testing of the meter, the Respondent was directed to get the meter No. 23618585 tested through the ERDA within one week. The Test report of the meter was to be filed by 25.04.2008 and the case was fixed for hearing on 30.04.2008.

4. On 30.04.2008, the Appellant was present in person. The Respondent was present through Sh. Avanish Gupta, Business Manager and Sh. Dharmendra Ahuja, Commercial Officer.

The reports of testing of the meter No. 23618585 dated 22.04.2008 and 29.04.2008 were taken on record. The Appellant again agitated that he is not satisfied with the two reports of testing, of the meter, as on 22.04.2008 he was not present, and on 29.04.2008 the testing machine was out of order. The Appellant requested for re-testing and agreed that that the cost of testing will be borne by him.



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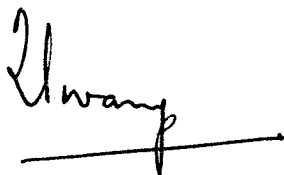
The DERC has recently notified a third party for testing of meter. The Respondent was directed to get the meter tested through ERTL, the notified agency, within 10 days. The Appellant agreed to deposit the cost of the testing along with his request. The report of testing of the meter by ERTL (North), the DERC notified agency, was to be filed before the next date of hearing on i.e. 29.05.2008.

5. On 29.05.2008, an e-mail message dated 19.05.2005 was received from the Business Manager stating that the team headed by AM (PS) visited the consumer's premises at 11.00 AM on 19.05.2008 but the consumer did not allow this team to remove the meter for testing, and the Appellant was also not making the payment of current dues.

The Appellant was directed vide this office letter dated 26.05.2008 to allow the representative of the Respondent to remove the meter at 11.00 AM on 30.05.2008 for testing by ERTL (North), and to install in its place another electronic meter for proper adjudication of the case, otherwise an adverse inference will be drawn in case of non-cooperation on his part.

6. During the further hearing on 12.06.2008, the Appellant was present in person. The Respondent was present through Avanish Gupta, Business Manager and Sh. Arvind Pathak, Enginner (Trainee).

The Appellant stated that he did not receive the notice from this office. He also contended that he had purchased an L & T meter and wanted



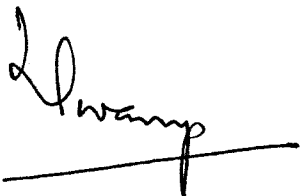
that this be installed. The Respondent was asked to remove the existing meter in the presence of the Appellant and to send it for testing to ERTL as per the laid down procedure. The L & T meter provided by the Appellant be tested for its accuracy and installed. The Test Report of ERTL for the meter No. 23618585 installed on 24.11.2007 should be submitted in a week's time and the case was fixed for further hearing on 19.06.2008.

7. On 19.06.2008, the Appellant was present in person. The Respondent was present through Avanish Gupta, Business Manager and Sh. Arvind Pathak, Engineer (Trainee).

The Respondent stated that the old the meter had been removed and handed over to ERTL for testing as per the laid down procedure. The Respondent requested for an adjournment as the report of ERTL was expected in a day or two. It was decided that the Meter testing report be sent by the Respondent when received, and the case was fixed for 25.06.2008.

8. On 25.06.2008, the Appellant was not present. The Respondent was present through Avanish Gupta, Business Manager and Sh. Dharmendra Ahuja, Commercial Officer.

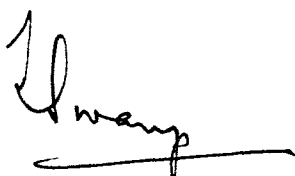
The Respondent produced the report of testing of the meter no. 23618585 by ERTL. The report is seen and taken on record. No further intimation / submission is received from the Appellant regarding his



appeal. As per the meter testing report of the ERTL the meter No. 23618585 was found 0.39% slow and was certified to be working satisfactorily within the permissible limits of error i.e. less than 1%.

In view of the fact that the meter No. 23618585 installed on 24.11.2007 is not defective as contended by the Appellant, I do not find any need to interfere with the orders of the CGRF. The appeal is accordingly dismissed.

3rd July 2008 .


(SUMAN SWARUP)
OMBUDSMAN