

30

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/2008/258

Appeal against Order dated 25.02.2008 passed by CGRF–NDPL in CG.No.1573/12/07/KPM.

In the matter of:

Shri Asad Kamal & Anr. - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

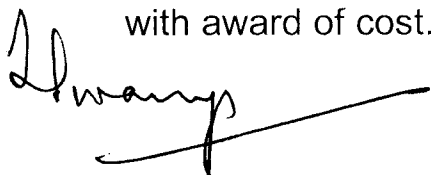
Appellant Shri Asad Kamal, Appellant attended alongwith
Shri Vijay Kumar, Shri S.S. Singhal, Advocates and
Shri Vijay Jain, Shri Ajay Jain his partner

Respondent Shri H.C. Sharma, HOG (Enforcement),
Shri Yogesh Prakash, HOG (R&C),
Shri M.S. Saini, Commercial Manager and
Shri Vivek, Assistant Manager (Legal) attended on behalf
of NDPL

Dates of Hearing : 26.06.2008, 08.07.2008, 22.07.2008,
Date of Order : 18.08.2008

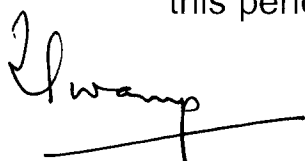
ORDER NO. OMBUDSMAN/2008/258

1. The Appellant Shri Asad Kamal has filed this appeal against the order of the CGRF-NDPL dated 25.02.2008 in case CG No. 1573/12/07/KPM, stating that his grievance was only partially redressed. The Appellant has prayed that the impugned order dated 25.02.2008 passed by the CGRF be modified/set aside in toto with award of cost.



2. The background of the case as per records submitted by both the parties is as under:

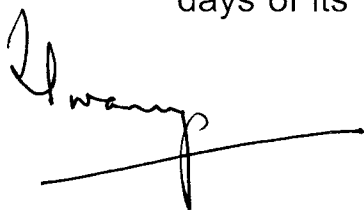
- i) The Appellant is the registered consumer of an industrial power connection vide K. No. 32303130463 for a load of 89.52 kw at his premises B-71, Wazirpur Industrial Area, Delhi.
- ii) The old meter (no. 0103101165) installed at the Appellant's premises was replaced with another meter (no.0104182467) on 10.03.2005. In the meter change report the CT ratio of the old and new meter was tick marked as 200/5.
- iii) The Appellant's premises were inspected on 02.11.2006, and the inspecting team observed in the inspection report that a mismatch is found in the CT ratio of the meter and the external CT ratio, as the meter CT ratio was found to be 100/5 whereas the external CT ratio was 200/5. Thus the multiplying factor of 2 is applicable for billing purposes. The accu-check result indicated that the meter was slow by 49.92%. The inspecting team recommended replacement of the meter with a new meter of 200/5 CT ratio and for retaining the old meter at the site. The meter (no. 0104182467) with the CT ratio of 100/5 was replaced with another meter (no. 0470001343) on 12.07.2007, having a CT Ratio of 200/5.
- iv) The meter (no. 0104182467) installed on 10.03.2005 was replaced on 12.07.2007. It is the Respondent's plea that during this period this meter had recorded half the energy consumed by



the Appellant because of the wrong multiplying factor being applied for billing. The Respondent revised the demand for the period 10.03.2005 to 12.07.2007, due to mismatch in the CT ratio of the meter and the external CT ratio. The September 2007 bill of Rs.14,64,170/- was issued containing an additional amount of Rs.13,95,003.40 charged for the period 10.03.2005 to 12.07.2007.

v) Against this additional amount reflected in the September 2007 bill, the Appellant filed a complaint before the CGRF on 25.10.2007. The CGRF in its order observed that:

- The average consumption recorded by the meter installed on 10.03.2005 till its removal on 12.07.2007 works out to 9756 units per month, as only 273183 units (332260 – 59077) were recorded between 01.04.2005 to 12.07.2007. Prior to the change of the meter on 10.03.2005, 222519 units were consumed / recorded from 27.04.2004 to 28.02.2005 i.e. an average of 22252 units per month. The average consumption after the replacement of the meter on 12.07.2007 is also of the order of 13000 units per month, as 66642 units were consumed within a period of 5 months. The CGRF further observed that the Respondent carried out an inspection on 02.11.2006 and replaced the meter on 12.07.2007. The old meter was allowed to remain at the site till 12.07.2007 though it should have been replaced within 30 days of its testing, in accordance with the DERC Regulations

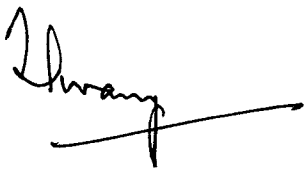


126

19 (i) (c) of 2002. The present case is of omission where the meter installation particulars were not correctly fed in the billing data and the consumer continued to be billed for half the energy actually consumed. The CGRF decided that the supplementary demand should be restricted to the period 10.03.2005 to 02.12.2006 only, and the LPSC levied after the raising of the demand in September 2007, should also be waived off. The CGRF also ordered that a sum of Rs.2000/- be recovered from the personal salary of the official who failed to record the correct data and this amount be credited to the K. No. account of the consumer.

3. Not satisfied with the above orders, the Appellant has filed this appeal with the prayer that the CGRF's order be modified and set aside in toto with cost.
4. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 26.06.2008.

On 26.06.2008, the Appellant was present through Shri Vijay Kumar and Shri S. C. Singhal, Advocate. The Respondent was present through Shri H. C. Sharma, HOG (Enforcement), Shri M. S. Saini, Commercial Manager, Shri Yogesh Prakash, HOG R&C, Shri Vivek, Assistant Manager (Legal).

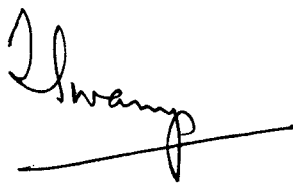


25

During hearing the Appellant reiterated the statements already made in the appeal. The Appellant further stated that based on the inspection dated 02.11.2006, a show cause notice for DAE was issued. After a personal hearing in the office of the Respondent, no final order on the DAE case was issued nor any letter explaining the escaped demand / arrears in dispute, received. The Respondent officials admitted that no order was issued to the Appellant in the DAE case. However, it was assured that this will be done now. A copy of the letter dated 16.08.2007 explaining the basis of the arrears was produced. This was asked to be given to the Appellant. The Respondent also produced the meter change reports dated 10.03.2005 and 12.07.2007 which were taken on record along with the consumption pattern and MDI data. The Respondent was asked to produce the downloaded data of the two meters at the next date of hearing, alongwith the meter issue docket of the meter no. 0104182467 installed on 10.03.2005. The case was fixed for hearing 08.07.2008.

On 08.07.2008, the Appellant was not present in person. Shri Vijay Jain and Shri Ajay Jain were present. The Respondent was present through Shri H. C. Sharma, HOG (Enforcement), Shri M. S. Saini, Commercial Manager and Shri Yogesh Prakash, HOG R&C.

Both the parties were heard. The Respondent handed over the downloaded data of the meters alongwith copies of reports dated



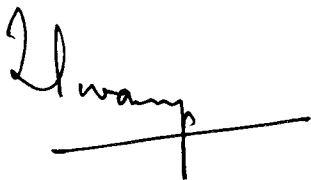
10.03.2005, 12.07.2007 and meter change / reprogramming report ,
to the Appellant. The case was fixed for arguments on 22.07.2008.

On 22.07.2008, the Appellant was present in person alongwith Shri Vijay Jain & Shri Ajay Jain. The Respondent was present through Shri H. C. Sharma, HOG (Enf.), Shri M. S. Saini, Commercial Manager, Shri Yogesh Prakash, HOG R&C and Shri Vivek, Assistant Manager (Legal).

The arguments of the Respondent were heard. The Appellant's advocate was again not present. The Appellant was asked to file his written arguments by 25.07.2008. The Respondent argued that on the basis of the downloaded data, it is a clear case of external CT and meter ratios mis-match.

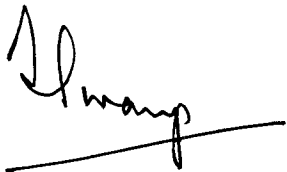
5. Based on the documents / records, submissions made by both the parties and their arguments, it is observed as under:

- i) The dispute is regarding the additional demand of Rs.13,95,003.40 for the period 10.03.2005 to 12.07.2007, added in the September 2007 bill. As per the Respondent, the billing was done earlier with a Multiplying Factor (MF) 1, instead of 2. During this period the Appellant was therefore billed for half of the actual energy consumed by him.
- ii) As per the meter change report the old meter (no. 0103101165) was replaced on 10.03.2005 at the reading of 349576 with



another meter (no. 0104182467). In the said meter change report the CT ratio 200/5 is tick marked against the old meter as well as the new meter. Based on the CT ratios indicated in the meter change reports the billing continued to be done with the multiplying factor of 1 whereas the MF 2 should have been applied.

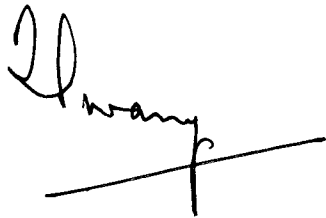
- iii) As per the Respondent, during the inspection dated 02.11.2006, the CT ratio of the meter (no. 0104182467) was found to be 100/5 and the external CT ratio was 200/5. This mis-match of CT ratios required the multiplying factor 2 to be applied to the consumption recorded by the meter. Due to the wrong meter CT ratio recorded in the report on 10.03.2005, the actual multiplying factor 2 could not be applied for billing purposes. On enquiring how the CT ratio 200/5 was tick marked in the meter change report dated 10.03.2005, instead of the actual CT ratio i.e. 100/5, the Respondent officials informed that the meter was changed on 10.03.2005 by an official of L & T, who were engaged for such work, and the meter ratio 200/5 was wrongly tick marked by the said official in the meter change report. Photographs of the meter number 0104182467 were produced showing the details of meter number and CT ratio 100/5 printed on the meter.
- iv) The Respondent officials further informed that prior to 10.03.2005 the CT ratio of the old meter (no. 0103101165) and the external circuit were the same i.e. 200/5. On comparing the consumption recorded by the old meter (no. 0103101165) prior



22

to 10.03.2005 with the consumption recorded by the new meter (no. 0104182467) after 10.03.2005, it is seen that:

- a) The consumption recorded by the old meter (no.0103101165) from 28.03.2004 to 10.03.2005 (about 1 year) was 253587 units which gives a monthly average of 22186 units.
- b) The consumption recorded by the new meter (no. 104182467) from 10.03.2005 to 20.03.2006 (about 1 year) was 110183 units which gives a monthly average of 8929 units, and the monthly average for the period 10.03.2005 to 12.07.2007 is 9842 units.
- c) In fact the sudden drop in the consumption should have prompted the Respondent to immediately check and find out the reasons for the low recorded consumption. However, the mis-match in the CT ratio could only be noticed when another inspection was done on 02.11.2006. When the mis-match between the CT ratios came to notice of the Respondent on 02.11.2006, immediate action for applying the correct multiplying factor 2 should have been taken and replacement of the meter was not really required. The Respondent officials delayed the corrective action and chose to replace the meter on 12.07.2007 with a meter having CT ratio of 200/5.




- v) In his written submissions the Appellant has stated that there is no record to show that the meter replaced on 10.03.2005 was recording less consumption i.e. 50% and in the meter replacement report of 10.03.2005 the CT ratio is not mentioned in the said report. The Appellant further stated that he was issued a show cause notice for theft of electricity which could not be proved. As per the statement the meter was replaced after eight months of the inspection dated 02.11.2006 and the old meter was removed and not kept at site as material evidence. The Appellant has argued that the consumption is varying from time to time as per the work load and as such, the Respondent cannot be allowed to raise an additional demand on the basis of the average consumption since it is a factory, and no fixed formula can be applied.
- vi) The submissions made by the Appellant do not hold good in view of the inspection report dated 02.11.2006, the meter change report dated 12.07.2007 wherein the CT ratio of the old meter no. 0104182467 has been indicated as 100/5 and this is also evident from the photograph of the meter produced by the Respondent. After replacement of the meter on 10.03.2005, the average consumption per month had also dropped from 22186 units to 9842 units. The Appellant has not given any firm evidence to prove that the fall in average consumption after replacement of the meter on 10.03.2005, was due to decline in production in his unit.



- 3
6. From the observations in para 5 above, it is clear that the Appellant was not billed earlier for the energy actually consumed by him and therefore the supplementary bill for the period 10.03.2005 to 12.07.2007 for energy actually consumed, is payable by him. However, the supplementary amount should be recovered in 10 equal installments alongwith current bills. The orders of the CGRF are modified to this extent.

The delay in raising a correct bill is however squarely due to severe lapses on the part of the Respondent, and these have caused harassment to the consumer and also reflect a deficiency in service on the part of the Respondent. **Therefore in addition to the compensation of Rs.2000/- already awarded by the CGRF to the Appellant to be recovered from the salary of the official who failed to record the correct data, a penalty of Rs.500/- per bill for the period 1.03.2005 to 12.07.2007, should be paid by the licensee Discom for raising incorrect bills for over two years. This penalty be deposited in the DERC within a period of 21 days of this order, and compliance reported to this office.**

18th August 2008.


(SUMAN SWARUP)
OMBUDSMAN