

**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. 26/2020**

**(Against the CGRF-BRPL's order dated 19.10.2020 in CG. No. 47/2020)**

**IN THE MATTER OF**

**Shri Yugal Kishor**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

**Appellant: Shri Yugal Kishor**

**Respondent: Shri Vivek Prasad, DGM, Shri S. Bhattacharjee,  
Sr. Manager and Shri Deepak Pathak, Advocate,  
on behalf of BRPL**

**Date of Hearing: 25.01.2021**

**Date of Order: 10.02.2021**

**ORDER**

1. The Appeal No. 26/2020 has been filed by Shri Yugal Kishor, the registered consumer against the order of the Forum (CGRF-BRPL) dated 19.10.2020 passed in C.G. No. 47/2020. The issue concerned in the Appellant's grievance is regarding the billing dispute of his domestic electricity connection bearing C.A. No. 150920796 installed at House No. 458, Sector - 6, R.K. Puram, New Delhi - 110022.

2. The brief background of the appeal arises from the fact that the Appellant received a highly inflated bill in the month of July, 2020 for an amount of Rs.27,000.00 for 4170 units. The Appellant alleged that the bill dated 29.07.2020 was received by him for an amount of Rs.27,000/- showing the consumption of



4170 units, which was very much on the higher side and the same has not been consumed by him. The Appellant further stated that he has same number of appliances for the last six years and if the consumption pattern for the last six years is pursued then it will show that the consumption has never been so high during the months from March to July. He further submitted that provisional bills were issued during the period from March to June, 2020 by the Discom and all of a sudden in the month of July he received such a huge bill which was quite shocking and unbelievable for him. From the perusal of bill the units shown to be consumed seemed to be absurd and therefore he approached the Discom on 07.08.2020 in writing wherein it was explained to them that even if the average readings for the period of five months from March to July are considered based on the consumption of the previous year even then such a high consumption of 4170 units is not possible. In view of the above he requested the Discom to get his meter checked up which is running fast and seems to be faulty. Since he did not get any response from the Discom he again sent two reminders on 24.08.2020 and 27.08.2020 but as again no concrete action was taken by the Discom so he approached and filed a complaint with the CGRF on 31.08.2020. The Appellant further submitted that he however got a casual reply through mail from the Discom on 28.08.2020 that the bill has been checked and found to be accurate based on the downloaded readings. He further explained to the Discom that his complaint is not concerned about the provisional billing or the billing based on download readings but it is all about the fact that the meter reading is not proportionate to the connected load of his house.

The Appellant further submitted that only after the initiation of his case in the CGRF, the Discom came into action and visited his house for checking the meter on 09.09.2020. After inspecting the meter and the connected system, the Discom informed him that the meter is working alright but there is some issue involved with his internal wiring of the house. It was also informed that there is some earth leakage in the internal wiring of his house which needs to be checked up by him at his end. Therefore the Appellant got the fault in his internal wiring of the house rectified within two days. After the rectification of the fault in the wiring, the Appellant counter checked the consumption recorded by the meter, which was then found to be proportionate to the connected load of his house. The Appellant further submitted that the Discom issued provisional bills for many months and in case if they had issued the bills based on the actual downloaded meter readings initially, he would have got the fault rectified at that point of time and it would have saved him from paying such a huge amount. In view of above, the Appellant requested that his bills from March to September, 2020 should be



revised on the basis of average of the last six years as the Discom issued provisional bills for a long time and did not attend the issue in question promptly even after he had approached them on 07.08.2020. Further, if the Discom would have attended the complaint in the first instance itself i.e. on 07.08.2020, he would have saved at least the extra billing for the month of August and September, 2020.

Since he is not satisfied with the order of the CGRF, he has preferred this appeal on the ground that the CGRF has not taken into consideration the fact that the provisional bills were issued for such a long period and the Discom did not attend to his complaint till he approached the CGRF for redressal of his grievances. In view of the above background the Appellant prayed as under:

- (i) Fixing the responsibility and penalty on the Discom for overlooking his grievances and issuance of provisional bills. Electricity Act also states that Power Company could give only two provisional bills in a given financial year. In this case they have given me five provisional bills.
- (ii) Due to non issuance of actual bill, problem did not come into notice earlier therefore bills from March to August, 2020 should be taken on average of the last six years of corresponding months.
- (iii) Due to overlooking of his grievances unnecessary bill for the period from August to 09.09.2020 got inflated, so the bill for this period should be borne by the Discom.

3. On the other hand, the Discom in its reply has submitted that on receipt of the complaint, the electricity meter of the Appellant was got tested and the accuracy of meter was found as +0.08% which is under permissible limit of +/- 2.5%. They submitted that during meter testing, earth leakage was noticed in Appellant's wiring. The said fact regarding earth leakage was mentioned in the meter testing report supplied to him. The issue of earth leakage was also brought into the knowledge of the Appellant verbally as well as in writing vide intimation letter dated 09.09.2020. They further stated that as per Supply Code, the Discom's responsibility is up to the meter terminals and if there is a defect in the consumer's wiring internally, the same must be rectified by the consumer at his end. Hence, it is the Appellant who has to get his internal wiring checked and put it in order. The electricity meter installed at the premises of the Appellant is working properly and recording reading as per actual supply being consumed. They further stated that the consumption of the current period cannot be





compared with the previous years as during this period of Corona Epidemic, most of the people remained at home and used electricity higher than the corresponding period of the previous year. It has been observed that the consumption of most of the households have increased and commercial establishment and industries have decreased. Therefore, it can be checked only through MDI recorded by the meter.

In addition to above, the Discom also stated that their analytical team has reported that as per the MRD (Meter Reading Detail) dated 25.08.2020, no abnormality had been observed in the meter as both the MDI (Maximum Demand Indicator) and the consumption were found to have increased. The consumption pattern of the Appellant had also been examined and the same had been found in order when compared to the connected load and MDI recorded by the meter during down loading of meter readings. The Discom also submitted the copies of the MTR (Meter Testing Report) dated 07.09.2020 and the letter dated 09.09.2020 vide which the Appellant was informed of the fault in the internal wiring of his house. During the deliberations, the Discom stated that they have looked into the matter and found that there is some internal earth leakage problem issue because ELI (Earth Leakage Indicator) on the meter was found to be 'ON'. The Appellant informed that the internal wiring of his house has been set right and now his consumption is up to his satisfaction. He wants the Discom to pay the energy bill for the period when the leakage in wiring was not detected. The Discom informed that the meter was checked and was found to be running OK and have pointed out to the Appellant regarding his internal wiring issue and that reason for excessive consumption pertains to the Appellant's defective wiring and not on the part of the Discom.

The Discom finally submitted that the CGRF has examined the entire material and dismissed the complaint as the same like Appeal was bereft of any merit. It is submitted that due to earth leakage the consumption was recorded high and as per own admission of the Appellant that after sorting out of the earth leakage, the consumption is same as it was earlier. The meter is working perfectly fine as the meter was found to be working within permissible limits during testing of the meter. The document of MTR is a statutory document laid down by Statutory Body and carries a presumption of correctness and the Appellant has not brought anything contrary to the same and as such the present appeal deserved dismissal.



The Discom finally submitted that the CGRF has examined the details and in view of the above categorical discussion on the facts and law, it is apparent that there are no legal and factual infirmities and as such the impugned order does not require any interference and the present appeal deserves to be dismissed as the Appellant has no case on merit. The Discom has acted as per law and Regulation and there is no violation of law in any manner.

4. After hearing both the parties at length and considering the material on record, the basic issue revolves around the fact that the Appellant received an inflated bill in the month of July, 2020 for an amount of Rs.27,000/- against the consumption of 4170 units. It is observed from the records that the Discom has been issuing provisional bills since March, 2020 up to June, 2020, due to Corona Pandemic and in the month of July, 2020 the Discom raised the bill based on the actual downloaded readings, which as a matter of fact was for the power consumed during the months from March to July, 2020. It is further observed that the Appellant raised the issue of inflated bill with the Discom for the first time on 07.08.2020 after the receipt of the said bill dated 29.07.2020 but the Discom did not take up the matter seriously. Even after the two reminders dated 24.08.2020 and 27.08.2020 issued by the Appellant, the Discom took the matter casually till the Appellant approached the CGRF on 31.08.2020. Only after the matter was taken up in the CGRF, the Discom took the action of testing the meter and connected system on 07.09.2020 and intimated the Appellant through a written communication vide letter dated 09.09.2020, informing him that during the visit by the officials of the Discom for meter testing, it has been observed that the ELI (Earth Leakage Indicator) LED of the meter has been found to be 'ON', which indicates that there is some earth leakage in his internal wiring which needs to be checked up at his end. The 'Meter Testing Report' dated 07.09.2020 was also handed over to the Appellant. As per the 'Meter Testing Report', the meter was however found to be working normal and the accuracy of the meter was also found to be +0.08%, which was under permissible limits as per the regulations.

It is pertinent to note here that as soon as the Appellant got his internal wiring rectified, his consumption came down to normal level and he was satisfied with the consumption. In view of the above, it is evidently clear that the meter was not faulty and was working properly and recording readings as per actual supply being consumed. The defect in the internal wiring of the house of the Appellant was the root cause of high consumption for which the Discom cannot be held responsible. As far as the argument of the Appellant regarding



provisional billing is concerned, that though the lock down was lifted on 20.04.2020 and in spite of his area not falling within the containment zone he was issued provisional bills from March to June, 2020, it is held that the Discom has acted correctly as per the provision of the notification/order dated 07.04.2020 issued by DERC, which allows the Discom to issue provisional bills from 24.03.2020 to 30.06.2020. Hence, the contention of the Appellant in this regards that provisional bills were issued for many months is misconceived and is not sustainable. The Discom has rightly issued the bill based on the actual downloaded readings on 29.07.2020 after the elapse of the period of issue of provisional billing as allowed by the DERC, i.e. upto 30.06.2020.

5. Now, coming to the second issue that needs to be deliberated and decided is regarding the excess amount which had to be paid by the Appellant after the matter of inflated bill came into the notice of the Appellant after the receipt of the bill dated 29.07.2020 by him. The Appellant informed about the problem of excess billing to the Discom on 07.08.2020 but the Discom came into the action only after the matter was taken up by the CGRF on 07.09.2020. If the Discom would have investigated the matter seriously within a reasonable period of 2-3 days of reporting the matter by the Appellant i.e. on 07.08.2020, the Appellant would have got the problem of earth leakage rectified at that point of time only. This would have saved him from paying excess amount on account of Earth Leakage for the period 07.08.2020 to 09.09.2020. Further, it is also important to note here that at the time of downloading the actual reading in the month of July, after the period of provisional billing was over on 30.06.2020, the meter reader also failed to notice the Earth Leakage Indicator (ELI) which must have been showing 'ON' status due to persisting earth leakage problem in the internal wiring of the house of the Appellant. If the same would have been noticed at that time only by the meter reader, the problem of earth leakage would have come to the notice a bit earlier. Hence in view of the above, the Discom is directed to revise the bill of the Appellant for the period from 10.08.2020 to 09.09.2020 based on the actual average consumption recorded during the corresponding period in the preceding year. The argument of the Discom that they could not investigate the matter of the inflated bill during the month of August due to shortage of the staff on account of Corona Pandemic is not sustainable.

6. In view of the above background, it is held that the bill in dispute dated 29.07.2020 raised by the Discom is in order and payable by the Appellant. Also the plea of the Appellant regarding meter being faulty does not hold good as the





meter was checked for its accuracy and the results were found to be within permissible limits. Secondly, the provisional bills as raised by the Discom from March to June, 2020 are also as per the provision of the regulations and the contention of the Appellant in this regards is not in order. However, the bill of the Appellant for the period from 10.08.2020 to 09.09.2020 be revised by the Discom based on the actual average consumption recorded during the corresponding period in the preceding year.

With the above directions, the appeal is disposed of accordingly.

  
(S.C.Vashishta)  
Electricity Ombudsman  
10.02.2021