

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.26/2024

(Against the CGRF-TPDDL's order dated 10.07.2024 in C.G. No.74/2024)

IN THE MATTER OF

Ms. Kamal

Vs.

Tata Power Delhi Distribution Limited

Present:

Appellant: Shri Sudhir Uppal, spouse of the Appellant

Respondent: Shri Sandeep Sharma, AGM, Shri Rohit Gupta & Shri Gaurav Sharma, Senior Executives and Shri Ajay Joshi, AGM (Legal) on behalf of the TPDDL.

Date of Hearing: 20.11.2024

Date of Order: 21.11.2024

ORDER

1. Appeal No. 26/2024 dated 30.08.2024 has been filed by Ms Kamal, W/o Shri Sudhir Uppal, R/o House No.1808A/135, Shanti Nagar, Tri Nagar, Delhi – 110035, on 30.08.2024 against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF-TPDDL)'s orders dated 10.07.2024 in CG No.74/2024.

2. The background of the case is that Ms Kamal, co-owner of House No.1858A, Near Pillar No.222, Shanti Nagar, Tri Nagar, Delhi – 110035, had made a Complaint before the CGRF-TPDDL on 06.05.2024, against excess billing of Rs.60,000/-, due to alleged fast running of meter installed at the above address vide CA No.60008200093 from 2021 to 2023. This also resulted in load enhancement and consequent increment in fixed cost. The subject connection was energized in 1976, in the name of old owner, Ms Rattan Kaur. Despite two complaints getting lodged in



2021 and another in 2023, action against faulty meter for replacement was taken only in 2023 by the TPDDL. An exorbitant bill of Rs.17,460/- for just 44 days had also been paid by her. The subject connection was disconnected due to non-payment. However, an amount of Rs.15,000/- was demanded for its reconnection. Appellant had prayed before the CGRF, i) to reduce the bill and refund the excess amount, ii) to reduce the load.

3. The Discom before the Forum submitted that meter was not running fast in the disputed period as there is no variation in consumption pattern of the Complainant. Earlier on 10.09.2018, the meter no.10227743 was tested and accuracy was found to be 0.37% which is within permissible limit. Later, a request for meter testing was received only on 09.11.2023. The meter was checked on 15.11.2023 and the Maximum Demand Indicator (MDI) of meter was found corrupt. The old meter no.10227743 was replaced with a new meter no.93340350 on 13.01.2024. The actual reading based bills were being issued. However, the connection was disconnected on 21.03.2024 due to non-payment of outstanding dues of Rs.14,340/-.

4. The CGRF-TPDDL, in its order dated 10.07.2024, observed that the first complaint for testing of fast running meter was made on 09.11.2023. The old meter was checked on 15.11.2023 and found 'showing corrupt MDI' by the Respondent. However, the old meter was replaced with a new meter on 13.01.2024. The bill raised for the defective period (11.08.2023 to 12.01.2024), as per Regulation 39 of DERC Supply Code, 2017, was based on average recorded consumption from 26.07.2022 to 30.01.2023 and credit of Rs.4,050/- was also given to the Complainant.

The order further directed the Respondent to revise the sanctioned load based on MDI reading for Financial Year 2022-23 in view of MDI being below sanctioned load, and bills be prepared accordingly for the Financial Year 2023-24 onwards without LPSC. The Complainant was directed to pay the due amount in three equal monthly installments with current bills as and when raised. As regards delay in replacement of meter beyond stipulated period of 15 days' time, a compensation of Rs.2,200/- (for 44 days @ Rs.50/- per day of default, as per Schedule-I of Supply Code, 2017), was also granted. The compensation was to be adjusted in the revised bill.

5. In her appeal dated 30.08.2024 before this Court, the Appellant has reiterated her grievance as before the CGRF. She contests that her electricity consumption is not as high as shown in the impugned bills as heavy appliance like AC etc. are not



being used by the occupants of the said building. She further claimed that she has been charged extra by the Respondent.

The Appellant has, therefore, prayed to (i) refund of excess billing amount deposited by her in disputed period of three years, (ii) grant compensation of Rs.1,00,000/- on account of harassment caused and (iii) Rs.1,00,000/- for the financial loss.

6. The Discom, in its written submissions, reiterated its version as before the CGRF. Moreover, the MDI from 2019 onwards till 2022 is consistent as reflection of consumption recorded during that period can be clearly observed from the consumption pattern. Hence, no case arises for refund of any amount with respect to alleged fast running meter from 2021 onwards as it could not be established. As regards claim about making complaints in the year 2019, 2021, it was denied that any request for testing of meter was lodged in 2019 and 2021. A Complaint was received on 09.11.2023 and action was taken on that Complaint. As the meter was showing "corrupt MDI", the meter was changed. As regards consumption of 600 to 931 units only between 2019 and 2024, reference is made to summer period in which the consumption remains on higher side as compared to other months. In 2018, from May to June, units consumed were 1122. From June-2018 to July-2018, units consumed were 1169 and from July-2018 to Aug-2018, units were 1234 which show that the consumption in 2018 was also higher as compared to consumption during other years.

7. The appeal was admitted and taken up for the hearing on 20.11.2024. During the hearing, the Appellant was represented by Shri Sudhir Uppal and the Respondent was represented by its authorized representative. An opportunity was given to both the parties to plead their respective cases at length. Relevant questions were also raised by the Ombudsman as well as the Advisors.

8. During the course of hearing, the Authorized Representative, appearing for the Appellant, reiterated his stand as before the CGRF. He stated that he had made a complaint in respect of fast running meter during 2018 by depositing the requisite fee. However, on checking of the meter, the same was found to be OK and the variation was within the permissible limits. He contested that he made a complaint again in 2023 on the basis of which, the meter was replaced with a new meter on 13.01.2024. While making verbal submissions about filing complaints about defective meter during 2019, 2020 & 2021 also, no document or material could be produced by the Appellant in support of his contention. He also alleged suffering by the Appellant on account of inflated bills during the period, in question, even though



apparatus such as ACs were not in use. The Appellant had brought a set of bills for perusal by the Ombudsman. However, the record produced by the Discom indicated a pattern of consumption on the basis of which, the bills had been raised. The Ombudsman, therefore, observed that the bills were in conformity with the pattern as reflected by the records produced by the Respondent. In response to a specific query, the AR for the Appellant indicated that three families were residing in the three floors of the building let out on rent.

9. The following aspects emerge for consideration:

- (i) Benefit of credit for Rs.4,050/- for defective period 11.08.2023 to 12.01.2024, on the basis of the average consumption of the period from 26.07.2022 to 31.01.2023 has already been provided by the Discom.
- (ii) There is no material on record to prove that MDI error occurred repeatedly during the years 2021, 2022 or 2023. There is nothing on record to substantiate that payment of testing fee was made by the Appellant during 2019, 2021 and 2023 for testing of meter, without any action.
- (iii) MDI consumption variance due to seasonal change during the period 25.11.2020 to 20.02.2024 has been uniform. The consumer has been billed on the basis of actual consumption and the billing by the Discom is in compliance with Regulation 39 of DERC Supply Code, 2017.

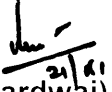
10. In view of the foregoing, this Court has gone through her appeal, the written statement of the Respondent and the relevant regulation and is of considered opinion that there is no extra charging or extra billing in the past. The complaint made by the Appellant was duly attended to and action taken, albeit with a delay. Hence, this Court upholds the orders passed by the CGRF. The Appellant is directed to pay the outstanding dues in three installments. On payment of the first installment, the disconnected connection shall stand restored. No LPSC will be charged on the pending dues by the Discom. On receipt of pending dues, the Discom may process the request for load reduction in the light of Provisions of Regulation 17 (3) and 17 (4) of the DERC Supply Code, 2017. After making due payments, the Appellant is also directed to complete commercial formalities for change of name as Registered Consumer.

11. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier.



The parties are hereby informed and cautioned that the Order of Settlement of Grievance raised in the appeal is, as per Regulation 65 of DERC's Notification dated 24.06.2024, final and binding on the parties.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
21.11.2024