

(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 against Order dated 10.03.2008 passed by CGRF–NDPL in CG.No. 1619/02/08/CVL.

In the matter of:

Shri Gopal Rastogi

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant Shri V.K. Goel, Advocate attended on behalf of Appellant

Respondent Shri H.C. Verma, HOG (R&C),
Shri Gagan Sharma, Assistant, (R&C) and
Shri Vivek, Assistant Manager (Legal) attended on behalf
of NDPL

Dates of Hearing : 28.05.2008, 27.06.2008, 03.07.2008,
18.07.2008, 29.07.2008,

Date of Order : 08.08.2008

ORDER NO. OMBUDSMAN/2008/262

1. The Appellant, Sh. Gopal Rastogi has filed this appeal with the prayer that the order dated 10.03.2008 passed by the CGRF-NDPL in CG No. 1619/02/08/CVL may be set aside and the Respondent be directed:

Way

- (i) To quash the assessment for the period 07.03.2003 to 28.07.2005.
- (ii) To withdraw the reading based bill for the period 28.07.2005, till the connections were corrected, and to assess this period based on correct readings of the old and new meters.
- (iii) To correct the bill by withdrawing the complete LPSC
- (iv) Grant suitable compensation to the appellant for the mental torture, agony and harassment caused and,
- (v) To refer the matter to DERC for imposition of a penalty under Section 142 of the Act on the Discom.

2. The background of the case as per documents submitted by the Appellant and the reply received from the Respondent is as under:

- i) The Appellant is the registered consumer of an electric connection K. No. 31200028843 with a sanctioned load of 11KW for domestic use.
- ii) The old electro mechanical meter was replaced with an electronic meter on 28.07.2005. The Appellant observed that the new meter was running fast. The Appellant complained for replacement of the meter followed by a legal notice in December 2006. A lineman of the Respondent on visual inspection informed the Appellant that the higher consumption was due to the inter-mixing of the load and common-neutral. The Appellant has stated that the Respondent however presumed that the old meter was defective and assessment was done for the period 07.03.2003 to 28.07.2005 based on the consumption recorded by the new meter from 28.07.2005 to 20.02.2006. An amount of Rs.2,60,179/- was debited on account of the assessment.

- iii) The Appellant filed a complaint before the CGRF on 24.01.2008. The CGRF heard the matter on 07.03.2008 and after considering the various issues raised in the complaint, an order was passed for reducing the period of assessment from more than two years to a period of six months based on the consumption recorded by the new meter between 28.07.2005 to 20.02.2006.

Not satisfied with the orders of the CGRF, the Appellant has filed this appeal and has stated that the old meter was not defective at all and had recorded regular consumption. The low consumption recorded by the old meter is not an offence, and cannot be held against him. It is the Appellant's plea that the old meter was not tested before declaring it defective. As such the Appellant has prayed for quashing the assessment bill and for withdrawal of the reading based bill for the new meter installed on 28.07.2005 as it has recorded higher consumption and was running fast. The Appellant has also requested for grant of suitable compensation for mental torture, agony and harassment.

3. After scrutiny of the contents of the appeal, the order of the CGRF and the replies submitted by both the parties, the case was fixed for hearing on 28.05.2008.

On 28.05.2008, Appellant was present through Sh. V. K. Goel, Advocate. The Respondent was present through Sh. Vivek, Assistant Manager (Legal), Sh. H. C. Verma, HOG (R&C) and Sh. Gagan Sharma, Assistant (R&C).

During the hearing the Appellant reiterated the submissions already made in the appeal. The Respondent stated that the bills for the period 07.03.2003 to 28.07.2005 were issued on provisional basis based on the past average consumption as the old meter was stuck and had not recorded the consumption during this period. On the request of the Appellant the new meter was tested for its accuracy on 04.12.2006 and was found to be 0.37% fast.

The Appellant stated that he is not satisfied with the accu check testing of the meter. The Respondent was therefore directed to install a pilot meter for three weeks and to submit the results before 27.06.2008, along with the MDI record from July 2005 onwards.

On the request of the Respondent the hearing was postponed for 03.07.2008.

4. On 03.07.2008, the Appellant was not present. The Respondent was present through Sh. Vivek, Assistant Manager (Legal) and Sh. H. C. Verma, HOG (R&C).

The Pilot meter Testing Report submitted by the Respondent was taken on record along with other information received. The case was fixed for further hearing on 18.07.2008.

The Case was rescheduled for hearing on 29.07.2008.

5. On 29.07.2008, the Appellant was present through Sh. V. K. Goel, Advocate. The Respondent was present through Sh. Vivek, AM (Legal), Sh. H. C. Verma, HOG (R&C) and Sh. Gagan Sharma, Assistant (R&C) district Modal Town.

During the hearing, the Respondent stated that the pilot meter was installed on 02.06.2008 and removed on 26.06.2008. During this period the consumption recorded by the consumer's meter was 2490 units and the pilot meter recorded 2590 units. Thus, the consumer meter was not found to be running fast. The Appellant accepts the test result and testing of his meter through installation of a pilot meter. The Appellant stated that assessment done earlier for the period 07.03.2003 to 28.07.2005 be quashed as he was getting reading based bills based on his consumption, and the meter was not tested and declared defective before its replacement.

The Respondent stated that provisional bills were raised based on past average consumption, as the consumer's old meter was stuck and had not recorded the actual consumption. This was also evident from the statement of account produced by the Respondent. It is also evident that the provisional consumption indicated in the bills has been construed by the Appellant to be the actual consumption recorded by the meter.

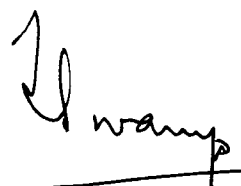
As per the DERC Regulations a defective/ stuck meter is required to be replaced within a period of 30 days, but the Respondent has replaced the meter after a period of more than two

years. The Respondent also confirmed that the meter was replaced under the mass replacement scheme, and not because it was declared to be defective.

6. After considering all the issues raised in the complaint on merit, the CGRF has rightly ordered that the assessment period be restricted to six months only, that is from 01.02.2005 to 28.07.2005, although, the meter remained defective from 07.03.2003 to 28.07.2005. The assessment is based on the consumption recorded by the new meter between 28.07.2005 to 20.02.2005.

In view of the fact that the new meter after testing is found to be in order and relief has already been given by the CGRF to the Appellant, by restricting the assessment period to six months, I find no reason to interfere with the orders of the CGRF. The appeal is accordingly disposed off.

8th August 2008 .


(SUMAN SWARUP)
OMBUDSMAN