

(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 18.12.2007 passed by CGRF-BYPL in complaint no. 320/10/07 (K.No.1240 Q 722 0896).

Shri Ashwani Kumar - Appellant

M/s BSES Yamuna Power Ltd. - Respondent

Appellant Shri Ashwani Kumar, the Appellant was present in person

Respondent Shri Rajiv Manchanda, Business Manager
Shri Pawan Gupta, Commercial Manager,
Shri Rajeev Ranjan Assistant Manager (Legal) and
Shri Mohit Verma, Legal Retainer all attended on behalf
of BYPL

Date of Hearing : 20.06.2008, 28.11.2008

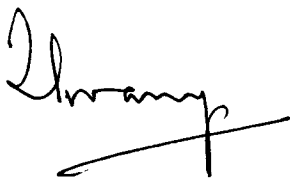
Date of Order : 04.12.2008

1. The Appellant, Shri Ashwani Kumar has filed this appeal against the orders of the CGRF-BYPL dated 18.12.2007 in the complaint no. 320/10/07. Relying on the meter test report of Respondent-BYPL, CGRF has not given any relief to the Appellant.

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The background of the case as per submissions made by both the parties is as under:-

- i) The Respondent installed an electric connection vide K. No. 1240 Q722 0896 at the Appellant's premise on 31.10.2005. Initially the Appellant received bi-monthly bills for 200-220 units. For the period 09.04.2007 to 13.06.2007 the Appellant received a bill for consumption of 373 units. The Appellant requested for meter testing on 05.07.2007 and deposited the meter testing fee of Rs.57/- with the Respondent.
- ii) The meter was tested on consumption of one unit only and was found to be 0.22% fast as per the report dated 16.07.2007. The Appellant was not satisfied with the meter testing done by the Respondent officials and filed a complaint before the CGRF-BYPL. The CGRF directed the Respondent to install a parallel meter and to record the consumption of both the meters simultaneously for 15 days.
- iii) On 18.12.2007, the Appellant was absent during the hearing before the CGRF. The CGRF accepted the BYPL's second report of 17.12.2007 and the Appellant's meter was held to be OK. The CGRF therefore ordered that the bills raised by BYPL were to be paid by the Appellant.

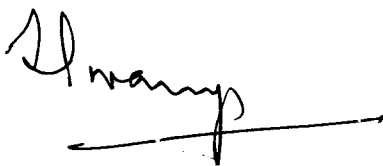


Not satisfied with the orders of the CGRF, the Appellant has filed this appeal. The Appellant has alleged that the parallel meter was not tested before its installation. He also could not attend the hearing on 18.12.2007 as the venue of the hearing was changed without notice to him and orders were passed in his absence by the CGRF.

2. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by the Respondent, the case was fixed for hearing on 20.06.2008.

On 20.06.2008, the Appellant Sh. Ashwani Kumar was present in person. The Respondent was present through Sh. Rajiv Manchanda, Business Manager, Sh. Mohit Verma, Legal Retainer and Sh. Pawan Gupta, Commercial Manager.

Both parties were heard. The Appellant stated that he is not satisfied with the testing of his meter by the Respondent. The Respondent was asked to get the meter re-tested through a designated third party (CPRI) in accordance with section 38 (g) of Delhi Electricity Supply Code & Performance Standard Regulations 2007 issued by DERC and to submit the meter test results. Several communications were received from Respondent about their inability to get the meter tested. The case was taken up for further hearing on 28.11.2008, to avoid further delay.


A handwritten signature in black ink, appearing to read 'Sh. Manoj', with a long horizontal line extending to the right.

3. On 28.11.2008, the Appellant Sh. Ashwani Kumar was absent. When contacted on telephone, he informed that he is in hospital with his ailing mother. Respondent was present through Sh. Rajiv Ranjan, AM (Legal), Sh. Rajiv Manchanda, Business Manager and Sh. Pawan Gupta, Commercial Manager.

The Respondent stated that they are not able to produce the third party meter test report. As such, I have no option but to rely on the Appellant's version that the meter was running fast. **It is, therefore, ordered that the Appellant's meter be replaced with a new meter. The disputed period i.e. April 2007 to July 2007 be considered as "meter fast" period, as higher consumption is shown in the statement filed by the Respondent. For this period the Appellant's bill be revised on the basis of the average consumption for the corresponding period in the previous year i.e. from April 2006 to 19.08.2006.**

The CGRF order is accordingly set aside.

4¹⁵ December 2008


(SUMAN SWARUP)
OMBUDSMAN