

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. 27/2020

(Against the CGRF-BRPL's order dated 06.10.2020 in CG. No. 29/2020)

IN THE MATTER OF

SHRI M. K. GARG

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri M. K. Garg

**Respondent: Shri Amit Kumar - GM, Shri S. Bhattacharjee,
Sr. Manager and Shri Deepak Pathak, Advocate,
on behalf of BRPL**

Date of Hearing: 25.01.2021

Date of Order: 05.02.2021

ORDER

1. The Appeal No. 27/2020 has been filed by Shri M K Garg, the registered consumer against the order of the Forum (CGRF-BRPL) dated 06.10.2020 passed in C.G. No. 29/2020. The issue concerned in the Appellant's grievance is regarding the billing dispute of domestic electricity connection bearing C.A.No. 152081883 of the Appellant installed at House No. A-7, Second Floor, Lajpat Nagar - II, New Delhi - 110024.

2. The brief background of the appeal arises from the fact that the Appellant received a highly inflated bill for the period 22.08.2019 to 20.09.2019 about which the intimation was given by him to the Discom but he did not receive any satisfactory reply from them. The Appellant approached the CGRF for rectification of the bill wherein he disputed the readings projected by the Discom.



The Appellant also requested for reduction of the load in November, 2019 and the same was carried out by the Discom accordingly. The CGRF vide its order dated 06.10.2020 upheld that the bill raised by the Discom is in order and the same is payable by the Appellant, if the same has not been paid by the Appellant.

Aggrieved from the order of the CGRF, the Appellant has preferred this appeal on the grounds that the CGRF has not taken into consideration the fact that the meter testing was carried out by the Discom unilaterally without intimating him and without his presence, which is not acceptable to him. The Appellant also contended that the testing should have been done by a third party with his consent. The Appellant has also raised objection to the fact that the CGRF has considered only one data point from the past energy consumption trend charts as submitted by the Discom whereas elaborated trend charts for the previous four (4) years which indicate the normal trend of consumption, as presented by him, have not been considered by the CGRF. The Appellant also submitted that he has not consumed that much electricity as has been recorded by the meter in the said period. The Appellant also stated that his son represented the case in the CGRF through video conferencing and since he was not well versed with the virtual hearing so he could not put up his arguments adequately over there.

In view of above, the Appellant prayed that his bill for that period should be revised on average basis based on the readings of proceeding and succeeding months. Further, he should also be given the suitable compensation for mental agony caused due to the raising of the wrong bill by the Discom.

3. On the other hand, the Discom in its reply has submitted that the issue raised by the Appellant is that during the period of 22.08.2019 to 20.09.2019, the bill raised for the month of September, 2019 was for 1578 units and further alleges the wrong billing and prays for withdrawal of the said bill. The said meter was tested twice on 21.10.2019 and 10.02.2020 and the result was +0.22% and +0.18% respectively. The result thus is within the limits as per DERC Supply Code. The Meter Testing Report is also as per the parameters as specified by the DERC Supply Code and it carries a presumption of correctness. There is nothing on record brought by the Appellant to disbelieve the said testing Reports. It is pertinent to mention that contrary to what the Appellant has pleaded, there is similar trend observed during the months of August and September in the year



2018 and 2017 respectively as per the statement of account and consumption chart. The Discom further submitted that to be more specific in August and September, 2017, 1611 and 1408 units were recorded respectively. Further, in September, 2018 more than 1000 units were recorded and thus it appears that the consumption in the months under dispute is in accordance with the trends as observed in the earlier years. Thus, there is no merit in the appeal and the Appellant is liable to make the payment of the same.

The Discom further contended that the CGRF on examination of the trends and the testing reports has dismissed the complaint of the Appellant as the same is bereft of any merit. Mere insistence of the Appellant that the meter is defective cannot be taken into consideration as the said documents of Meter Testing Reports are statutory documents laid down by the statutory body and are correct. Further, the Appellant has not brought anything contrary to the same on record except the pleading that the bill is wrong and hence the present appeal deserved dismissal. In view of the above categorical discussion on 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 regulations 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 September, 2019 for the period 22.08.2019 to 20.09.2019 for 1578 units. It is observed from the records that the meter was tested by the Discom on two occasions, i.e. on 21.10.2019 and then again on 10.02.2020 for the satisfaction of the Appellant. On both occasions the results were found to be +0.22% and +0.18% respectively and the same are within the permissible limits as prescribed under the regulations. It is pertinent to note here that the consumption pattern for the last two year viz 2017 and 2018 also shows a similar trend during the months of August and September. From the perusal of the consumption pattern and records submitted by the Discom, it is further observed that in the year 2017 the readings recorded in August and September were 1611 and 1408 units respectively whereas during the month of September, 2018, the readings recorded were 1005 units.



The Appellant in his representation to the CGRF had himself submitted the trends of consumption of electricity for the years 2016, 2017, 2018 and 2019 and from the perusal of these trends it is quite evident that his consumption invariably had been on the higher side during the summer months in particular. In view of above, the contention of the Appellant that the trends submitted by him have not been considered and only the trend chart as submitted by the Discom have been taken into account is misconceived and not sustainable. In view of the above background, it is quite clear that the consumption of the Appellant has been on the higher side during the summer months from May to September in general during the past four years. During the hearing the Appellant however admitted that his meter has been running properly after September, 2019 and he has no complaints at present as far as the working of the meter is concerned.

In view of the above, the contention of the Appellant that the meter misbehaved only during the period from 22.08.2019 to 20.09.2019 is misconceived and is not sustainable as the same has been working properly before and after the month of September, 2019. It is also important to point out here that it is not possible that a meter is erratic on one day and then again working properly thereafter. The apprehension of the Appellant in this regard is not acceptable. In addition to above, since the meter has been tested twice and found to be working within the permissible limits, therefore, there is no reason to believe that the meter has been faulty during the said period. Therefore, the bill raised by the Discom for the period 22.08.2019 to 20.09.2019 is in order and is payable by the Appellant. During the hearing, the Appellant also admitted that as for now he has no complaints against the Discom. The Discom however is advised to be careful in future that as and when the meter is to be tested, the consumer must be intimated properly as per the regulations and the testing should be done in the presence of the consumers so as to give a sense of satisfaction to the consumers and unnecessary litigation is avoided.

Hence, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed of accordingly


(S.C.Vashishta)
Electricity Ombudsman
05.02.2021