

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. 27/2021

(Against the CGRF-TPDDL's order dated 20.03.2021 in CG No.115/2020)

IN THE MATTER OF

SHRI SANJEEV AGGARWAL

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant: Shri Ranjit Oberoi, Authorized Representative and
Shri Mukul Dhawan, Advocate, appeared on behalf of the
Appellant

Respondent: Shri Ajay Joshi, Sr. Manager (Legal) & Shri Kundan Singh Rawat,
Manager, on behalf of the TPDDL.

Date of Hearing: 08.11.2021, 29.11.2021 & 09.12.2021

Date of Order: 23.12.2021

ORDER

1. The appeal No. 27/2021 has been filed by Shri Sanjeev Aggarwal through his advocate Shri Mukul Dhawan, against the order of the Forum (CGRF-TPDDL) dated 20.03.2021 passed in CG No. 115/2020. The issue concerned in the Appellant's grievance is regarding the receipt of an electricity bill containing an assessment amount of RS.2,30,043.07 for the period from 25.12.2019 to 26.06.2020, against his domestic electricity connection bearing CA No. 60007603602 installed at his premises bearing House No. 1, Second Floor, Maharaja Lane, Civil Lines, Delhi - 110054.

2. The brief back ground of the appeal arises from the facts that the Appellant received a bill dated 03.09.2020 wherein the net current demand was Rs.84,141.81 and the total amount payable as reflected in the bill was Rs.3,14,620.89. Out of the total amount of Rs.3,14,620.89 an amount of Rs.2,30,043.07 was shown as 'Adjustments' and in the Customer Information Sheet (CIS), it had been stated that this amount is on account of the bill revision for the period from 25.12.2019 to 25.06.2020. The Appellant further added that neither any basis nor any explanation or notice had ever been given before asking the Appellant to pay the same. Further, it is pertinent to state herein that the Discom had in the month of July, 2020 replaced his meter which itself goes to show that there was no illegality or irregularity. The Appellant also made a detailed representation to the Discom seeking an explanation or hearing before asking him to pay the impugned bill i.e. adjustment amount of Rs.2,30,043.47 but he did not get any response from them.

3. The Appellant further added that left with no alternative, he was constrained to file a complaint before the CGRF wherein the CGRF passed a detailed order with the following directions to the Discom.

"Considering the submissions made by parties, arguments during hearings and foregoing analysis we are of the considered view that the Respondent has faltered in timely replacement of meter and by not taking any action to carry out testing of the meter to establish defectiveness of meter and extent of inaccuracy in measurement of consumption by the meter. The delay in replacement of meter by Respondent beyond 15 days would not only attract compensation but also should restrict the assessment to maximum 15 days i.e. time allowed for meter replacement. However, we have taken a lenient view considering the extraordinary situation of lockdown due to Covid-19 and accordingly pass following directions:

1. The Respondent to revise the assessment bill, restricting the assessment strictly for period 25.12.2019 to 25.06.2020 by considering one phase missing, the consumption for the above six month period. For this purpose reading taken on the old meter as at the time of replacement, as recorded in Meter Replacement Form be taken.

2. The revised bill after adjustment of units already charged be issued within one week of this order allowing two weeks time for payment of bill by the complainant.
3. No Late Payment Surcharge (LPSC) be levied on the impugned demand till the due date of payment of revised assessment bill.
4. In case complainant fails to deposit the revised demand within the due date as above, the Respondent will be at liberty to take appropriate action as per the regulations.
5. The Respondent to file compliance report within four weeks.”

The Appellant further stated that the Discom vide their e-mail dated 03.08.2021 confirmed that the directions as per the order of the CGRF have been complied with and accordingly the final bill has been issued showing a credit of Rs.44,212/-. In this regards, the Appellant further submitted that neither the working as to how the said credit has been arrived at was explained to him nor the LPSC of RS.28,907.35 had been waived of as decided by the CGRF. Since the order of the CGRF was not being implemented in the right perspective by the Discom, therefore, he is constrained to approach the Ombudsman for resolution of his grievances and has prayed as under:

- (a) Direct the Respondent to forthwith comply with the orders of the learned CGRF-TPDDL dated 20.03.2021 and restrain the Respondent from disconnecting the electricity supply till the compliance of the order, as the Appellant continues to pay the current demand.
- (b) Remove the late payment surcharge and explain the working of the revised bill giving a credit of RS.44,212/-.
- (c) Pass such further and/or other order, direction or relief as this Hon'ble Forum may deem fit and proper in the facts and circumstances of the case.

4. The Discom in its reply submitted that the Appellant had filed the complaint before the CGRF with respect to billing dispute against electricity connection bearing CA No. 60007603602. The Appellant specifically disputed the amount of Rs.2,30,043.47 shown under the category of 'Adjustment Amount' in the impugned bill dated 03.09.2020. Further, the Discom submitted that their Enforcement Team had inspected the Appellant's premises and during the inspection, the meter data could not be downloaded in CMRI (Common Meter Reading Instrument) due to communication failure. On analysis of the meter data, the load without potential in Y-Phase was found since 04.08.2019. They visited the Appellant's premises in the month of February, 2020, twice for replacement of the faulty meter however due to non availability of the Appellant at site the same could not be replaced. After that because of announcement of lockdown on 24.03.2020, due to outbreak of Covid-19 pandemic, the said faulty meter could be replaced with new meter only on 26.06.2020. The assessment was carried out for six months for the period from 25.12.2019 to 25.06.2020, i.e. till the replacement of the meter on the basis of corresponding period in the preceding year. On account of the assessment an amount of Rs.2,30,043.47 for 23413 units came as payable by the Appellant. In addition to above, it is pertinent to mention here that the voltage and current profile clearly shows that the voltage on 'Y' Phase was available on Clamp however the same was not present on Display and Comparative Consumption Table also shows that the consumption during the disputed period had approximately diminished in the same proportion of units which has also been ascertained after assessment on the basis of average consumption.

The Discom further submitted that as per directions of the CGRF passed in Final Order, the Discom revised the bill for the period 25.12.2019 to 25.06.2020 considering one phase missing instead of corresponding period and as a result of the same a credit of Rs.44,212.30 for 3865 units was adjusted in the accounts. Thus, the assessment amount reduced from Rs.2,30,043.07 for 23413 units to Rs.1,85,830.77 for 19548 units. The Discom also explained the calculations through its written submission regarding the credit of 3865 units, given to the Appellant on account of the Y-Phase missing, in order to clear the doubts of the Appellant. However, the Discom also conveyed that they have carried out the assessment strictly as per the directions of the CGRF and accordingly sent the communication to the Appellant with complete details on 24.05.2021. The net

payable amount was shown as Rs.2,94,500/- excluding proportionate LPSC, but as submitted by the Discom, the Appellant did not make payment of the revised bill amount. The Discom also conveyed that the waiver of necessary LPSC shall be extended in favour of the Appellant once he makes the payment of rest of the bill amount. They also tried to communicate the calculation over the phone to the Appellant but he was not cooperative. Thus, it is wrong to state that the Discom did not explain the details to the Appellant and on the contrary, he was more interested in lingering on the payment of outstanding revised bill on one pretext or the other.

In the light of above, submissions, the Discom submitted that the present appeal is devoid of merit and liable to be dismissed.

5. After hearing both the parties and considering the material on record, it is observed that the appellant is basically satisfied with the order of the CGRF and his main grievance is regarding the non-implementation of the orders of the CGRF by the Discom in the right perspective. It is also observed that the Discom had issued the revised bill by restricting the assessment for the period from 25.12.2019 to 25.06.2020, by considering one phase missing instead of on the basis of corresponding period in the preceding year as decided by the CGRF. But the Appellant's main grouse was that he has not been made to understand as to how the Discom has arrived at the said credit figure depicted in the revised bill and secondly the LPSC has also not been waived of as decided by the CGRF. During the first hearing on 08.11.2021, the Discom clarified to the Appellant regarding the calculations and the figures arrived at in the revised bill and also conveyed him that these figures have been calculated strictly as per the directions of the CGRF i.e. on the basis of one phase missing instead of on the basis of consumption of the preceding year. However, the Discom admitted that the credit on account of LPSC has not been given which shall be extended in his favour once he makes the payment of rest of the bill amount.

The Discom also presented a calculation sheet during the hearing vide which the Appellant was made to understand the calculations in detail. The copy of the calculation sheet was taken on record. The Appellant seemed to be satisfied but still he wanted some more time to understand the calculation sheet and also as to how the revised amount has been arrived at. He therefore, requested for another date of hearing in the matter with a view that if there is any other objection in the final bill after adjustment of LPSC etc, it will be redressed in

the next hearing here itself. Accordingly, in the interest of justice another date of hearing was allowed. The Discom was directed to revise the bill of the Appellant after adjusting the 1/3rd amount paid by him as well as LPSC etc. as per the orders of the CGRF and forward the copy of the same to the Appellant well before the next date of hearing so that the Appellant comes prepared with the doubts in the final bill, if any.

As per the above directions the Discom issued the final bill after adjusting the LPSC and the other payments already made by the Appellant. On the final date of hearing on 09.12.2021, the Appellant submitted that he has received the revised bill and all his doubts have been cleared and he is satisfied with the same. He also assured that the balance/pending amount will be paid by him.

Hence, in view of above admission by the Appellant, nothing remains to be adjudicated in the matter and the appeal is disposed of accordingly.


(S.C.Vashishta)

Electricity Ombudsman

23.12.2021