

Office of Electricity Ombudsman
(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 No. F. ELECT/Ombudsman/2008/270

Appeal against Order dated 22.04.2008 passed by CGRF–NDPL in
CG.No. 1676/03/08/MTN.

In the matter of:

Smt. Sudarshan Kaur - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri G.S. Bhatia attended on behalf of the Appellant

Respondent Shri Sunil Kothari, Sr. Manager,
Ms. Yamini Gogia, Commercial Manager,
Shri J.S. Verma, Asstt. Manager and
Shri R.L. Vaishheya, Asstt. Manager, Enforcement,
attended on behalf of the NDPL

Dates of Hearing : 24.06.2008

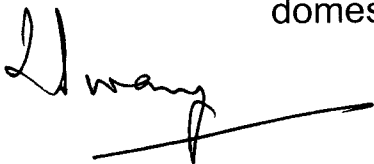
Date of Order : 30.06.2008

ORDER NO. OMBUDSMAN/2008/270

1. The Appellant, Smt. Sudarshan Kaur has filed this appeal against the orders of the CGRF-NDPL dated 22.04.2008, in case CG. No. 1676/03/08/MTN.
2. The background of the case as per the records submitted by both the parties is as under:



- 2
- i) The Appellant Smt. Sudarshan Kaur has two electric connections in her premises at C-7, Mansarovar Garden, Delhi, one for domestic use on the ground floor vide K. No. 33300151092 and the second for use in the basement, first and second floor for commercial purpose / sale of furniture etc. vide K. No. 33300151100. The meter installed for the ground floor connection (domestic use) was changed on 11.10.2005 and the meter for the commercial connection was changed on 15.09.2005.
 - ii) As per the consumption record, there was no dispute regarding the consumption recorded by the respective meters up to September 2006 and the consumption recorded by the Commercial meter was much higher than the consumption recorded by the domestic meter. After September 2006, the consumption recorded by the domestic meter increased manifold and the consumption recorded by the commercial meter dropped considerably..
 - iii) The Respondent carried out an inspection of the Appellant's premises on 20.09.2007 and found that the meter installed for the ground floor vide K. No. 33300151092 (for domestic use) was supplying power to the commercial premises i.e. basement, first and second floor. The Respondent issued a show cause notice dated 20.09.2007 for levy of misuse charges against the domestic connection which was found supplying



electricity to the commercial floors. Thereafter, the Respondent issued a final assessment order dated 11.12.2007 for levy of misuse charges for unauthorized use of electricity under Section 126 of the Electricity Act 2003.

- iv) The Appellant filed a complaint before the CGRF against the levy of misuse charges stating that the supply against the two connections was interchanged from September 2006 onwards by the Respondent, probably at the time of attending to a no current complaint, with the result that the commercial connection got charged as per domestic category tariff, and the consumption recorded by the domestic meter was charged as per non-domestic category.
- v) The Respondent stated before the CGRF that in all probability the interchange of the connections was carried out by the Appellant on his own in September 2006, for benefitting from the domestic tariff, which is lower than the commercial tariff. The Respondent further stated before the CGRF that the supply category of the domestic connection K. No. 33300151092 has also been subsequently changed from domestic to commercial category on the basis of the Appellant's request on 31.12.2007.
- vi) The CGRF in its order observed that the Appellant has lodged the present complaint after the inspection was

done by the Respondent, and no complaint was lodged earlier regarding interchange of the connections. The CGRF ordered that the Appellant was not entitled for any relief in the matter.

Not satisfied with the order of the CGRF, the Appellant has filed this appeal with the plea that the billing for the period September 2006 onwards may be revised for consumption recorded on the domestic meter as per commercial rates. Misuse charges for the period of twelve months for the consumption recorded by the commercial meter be charged, as this was earlier charged on domestic rates.

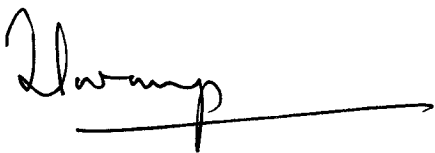
3. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 24.06.2008.

On 24.06.2008, the Appellant was present through Shri G. S. Bhatia, son of the Appellant. On behalf of the Respondent Shri Sunil Kothari, Sr. Manager, Ms. Yamini Gogia, Commercial Manager and Shri J. S. Verma Asstt. Manager and Shri R. L. Vaishheya, Assistant Manager, Enforcement were present.

Both parties were heard. During the hearing both the parties admitted that after September 2006 the domestic meter was recording the higher consumption of the commercial floors, and the commercial meter was recording the consumption for the domestic

use i.e. the ground floor. This could only happen if the wires of the two connections are interchanged.

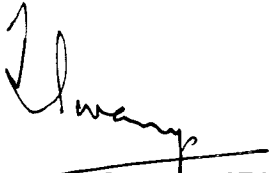
4. The Appellant stated that the interchange might have happened in September 2006, probably at the time of attending to a 'no current' complaint by the Respondent officials. The Respondent confirmed in their reply that in September 2006, no complaint was lodged by the Appellant for failure of his supply as per their records. The Appellant could not produce any document in support of his contention. The Appellant was asked as to why he did not make any complaint after September 2006, when it was noticed that the domestic meter bills were showing a much higher consumption, and the commercial connection bills were showing a much lower consumption. The Appellant admitted that this was a mistake on his part.
5. It is clear that if the Respondent had not carried out the inspection in September 2007, the Appellant would have continued to pay domestic tariff for units consumed for commercial use. That this was a bonafide mistake due to the Respondent's action is also not proved. It would be logical to construe that this was done by the Appellant to benefit from the lower domestic tariff.
6. The Appellant has admitted that the consumption of commercial load was recorded on domestic meter K.No.33300151092 and consumption of domestic load on non-domestic meter. Based on



the 20th September 2007 Inspection Report, misuse charges were rightly levied on consumption recorded by the domestic meter. The Appellant has appealed for revision of this bill by charging commercial tariff on consumption recorded by the domestic meter, and misuse tariff on consumption recorded by the non-domestic meter. This contention of the Appellant cannot be agreed to as the domestic meter was found being misused. In view of the above there is no reason to interfere with the order of the CGRF NDPL.

The appeal is accordingly dismissed.

20th June 2008.


(SUMAN SWARUP)
OMBUDSMAN