

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. 28/2021

(Against the CGRF-BRPL's order dated 30.08.2021 in CG. No. 91/2021)

IN THE MATTER OF

Shri Shyam Poddar

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Shyam Poddar

Respondent : Shri Vikash Srivastava, General Manager, Shri S. Bhattacharjee, Sr. Manager, Shri Biju George, Assistant and Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 15.11.2021

Date of Order: 06.12.2021

ORDER

1. The Appeal No. 28/2021 has been filed by Shri Shyam Poddar against the order of the Forum (CGRF-BRPL) dated 30.08.2021 passed in CG No. 91/2021. The issue concerned in the Appellant's grievance is regarding the inflated bills received by him from the Discom (Respondent) during the period from December, 2020 to February, 2021, against his electricity connection bearing CA No. 100066625 installed at Laxmi Kutir, M-4, Ground Floor, Greater Kailash - II, New Delhi - 110 048.

2. The brief background of the appeal arises from the facts that the Appellant started receiving inflated bills against his electricity connection from December,

2020 onwards upto February, 2021 without any increase of load on his premises. The Appellant further stated that he is a senior citizen and has been paying his bills regularly. Since his grievance was not resolved by the Discom, therefore, he approached the CGRF for redressal of the same. The CGRF considered the matter and after hearing the same decided that in view of meter testing report dated 05.03.2021 and on the basis of the records of the consumption available from 2013 to 2021, they are of the opinion that the meter of the Appellant was running O.K. and the accuracy results during testing of the meter were also found to be within permissible limits. Further, the consumption pattern remained almost the same and the bills have been raised for the actual consumption based on the downloaded readings. Hence, they do not find any anomaly in the bills raised by the Discom which are therefore payable by the Appellant.

Since, in view of the above decision, the Appellant being not satisfied, he preferred this appeal on the grounds that many facts were either overlooked or not considered by the CGRF. He submitted that he agreed that the meter was tested in March and found to be OK, but it is quite possible that there may be some snag in the meter which might have got rectified during the testing of the meter, since after March, 2021, the reading had again come back to normal. It was further mentioned by the Appellant that during the disputed months it appears that the meter might have jumped and the defect might have got rectified on 05.03.2021, the date of testing, otherwise how come the reading dropped down to around 50% in the succeeding months. The readings after March, 2021 came down to the same level as it was before November, 2020.

In view of the above background, the Appellant prayed that as he has made some ad-hoc payment of Rs.25,000/- and in view of the mounting amount of the bills, late payment surcharge may be waived off and he may be allowed to pay the previous disputed amount in easy monthly installments. He also requested to get this matter of receiving inflated bills resolved to his satisfaction.

3. The Discom in its reply submitted that the grievance of the Appellant in the instant appeal is that he got inflated bills in the month of December, 2020, January, 2021 and February, 2021, whereas these bills were raised on the basis of actual consumption recorded by the meter. The consumption in the month of December, 2020 for the period from 08.11.2020 to 08.12.2020 was 1214 units with 5.92 KW load in January, 2021 for the period from 08.12.2020 to 07.01.2021

was 1613 units with 6.14 KW load and in the month of February, 2021 for the period 07.01.2021 to 06.02.2021 was 1764 units with 6.52 KW load. The bills raised during this period were for Rs.10,610/-, Rs.15,830/- and Rs.16,651/- respectively. They further stated that the Appellant's past consumption pattern also confirmed that these bills were in order and payable by him. The consumption chart from the year 2013 onwards has also been provided by them in order to prove that the consumption for the disputed months is within limits. Further, the meter was also got tested on 05.03.2021 in the Appellant's presence and working of the meter was found to be OK with test result of - 0.13% (KWH)/ -0.17% (KVAH) which is within the permissible limit of (+/-2.5%). All these were already informed to the Appellant as well as to the CGRF. The Appellant had made only a part payment of RS.25,000/- on 30.04.2021 against pending bill amount of Rs. 45,370/-. The Discom further stated that the Appellant is not making any further payment on the pretext of high billing and the total outstanding bill upto the reading dated 09.07.2021 has become Rs. 46,320/-.

The Discom further stated that the bills of the connection of the Appellant have been raised as per law and as per the reading recorded by the meter which is running perfectly OK as per the test report and there is nothing on record to suggest that the meter was running fast and, in such circumstance, there is presumption that the meter is working in good condition and thus the bills raised as per reading are liable to be paid by the Appellant. Further, the consumption of the Appellant is matching with the history of consumption since 2013 onwards and there is no anomaly in any manner and the CGRF had also examined this issue in details. The Discom also conveyed that the Appellant has made a part payment of Rs.25,000/- on 30.04.2021 and no payment has been made by him thereafter. The bills were generated on the basis of actual consumption recorded by the meter only. The consumption of the Appellant was on higher side in many months in every past year. In order to facilitate for easy understanding of the same, they have provided the consumption chart since the year 2013 onwards to the CGRF and to the Appellant also. After considering all facts and documents the CGRF could not find anything wrong in the bills and the case was closed. In addition to above, the argument of the Appellant for rectification of the snag by the meter of its own in the month of March, 2021 is neither logically valid nor maintainable. The allegation for raising bill in the month of June, 2021 for 63 days to mislead the CGRF is also wrong and denied. After 07.04.2021 the reading was recorded only on 08.06.2021 due to the lockdown declared by the

Govt. of NCT of Delhi. In view of the fact that the meter during its accuracy test was found to be working within the limits, therefore there is presumption of correctness of reading and bills have been generated on the basis of actual consumption of each month. Thus, there are no infirmities with the bills.

The Discom further stated that the Appellant is not making the bill payments after April, 2021 and current bills were accumulated for Rs. 64,590/- upto reading dated 03.09.2021. In view of above, it is evident that nothing was wrong with the bills and all the allegations were baseless and flimsy. As such it is prayed to dismiss this appeal with the direction to make the bill payment immediately. In view of the submissions made above, there is no legal force/entitlement in the claim and relief of prayer sought in the instant appeal and as such the instant Appeal deserves to be dismissed in limine.

4. After hearing both the parties and considering the material on record, it is observed that the Appellant has alleged that he received inflated bills for the months of December, 2020 onwards till February, 2021. It is also noted that the meter was got tested during the month of March, 2021 by the Discom for the satisfaction of the Appellant, where in the accuracy of the meter was found to be within the prescribed limits. The meter testing report was duly signed by him where the accuracy of the meter was found to be (-) 0.13% for KWH and (-) 0.17% for KVAH, which was well within the limits. From the above, it is quite evident that the meter has been working alright and the contention of the Appellant that he had received inflated bills since December, 2020 onwards till February, 2021 is not tenable. Secondly, in view of the fact that the meter was found to be working within the accuracy limits and the Appellant could not place any valid reason whatsoever in order to prove that the Discom has raised inflated bills, the contentions of the Appellant regarding receiving high bills are misconceived and not sustainable.

The Discom has also enclosed the consumption chart of the electricity consumption of the Appellant from the year April, 2013 onwards till September, 2021 and from the perusal of the same, it is observed that the consumption of the Appellant is usually high during the months of December to February in general and quite high particularly in the months of January & February. This pattern of consumption is comparable for all the previous years in general and in view of the same there is no valid reason whatsoever to believe that the Appellant has

received inflated bills. In addition to above, the consumption during the disputed period has been found to be commensurate with the MDI recorded. Since the Appellant has not been paying the bills after April, 2021, but for Rs. 25,000/- ad-hoc payment paid by him on 30.04.2021, so a huge arrears of Rs. 78,050/- have accumulated till date which are payable by the Appellant in any case, as there is no anomaly in the bills raised in any manner. In view of above background, it is held that the bills raised by the Discom are for actual consumption on actual readings basis and the Appellant has to pay for the electricity he has consumed. Keeping in view the request of the Appellant, he is directed to pay the said pending bill of Rs. 78,050/- in four equal monthly installments along with the current bills. However, the LPSC for the period from January, 2021 onwards till the date of issue of this order is waived off. As requested by the Discom they are allowed to adjust the LPSC so waived off in the last installment bill of the Appellant. The Appellant is also directed to pay the dues as directed and in case of non-payment the Discom may take the required action as per the instant rules and regulations.

In addition to above, if the Appellant still does not feel satisfied and has some doubts about the working of the meter, he can go in for third party testing, if he so wishes, as per Regulation 32(2) read along with the amendment dated 15.02.2018 regarding 'Testing of the Meter in Case of Dispute or on the Request of the Consumer' wherein his meter will be tested by an accredited laboratory notified by the Commission. However, the decision of the accredited laboratory notified by the Commission or accredited laboratory other than that of licensee, as the case may be, shall be final and binding on the licensee and the Appellant.

Hence, in view of above background, it is concluded that no intervention with the verdict of the CGRF is warranted. The appeal is disposed of accordingly.

845 2/12/21
(S.C.Vashishta)
Electricity Ombudsman
06.12.2021