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**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)

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**Appeal No. F. ELECT/Ombudsman/2008/289**

Appeal against Order dated 26.08.2008 passed by CGRF – BRPL in CG No. 113/2008

**In the matter of:**

Shri Nalin Bhushan Chandok - **Appellant**

**Versus**

M/s BSES Rajdhani Power Ltd. - **Respondent**

**Present:-**

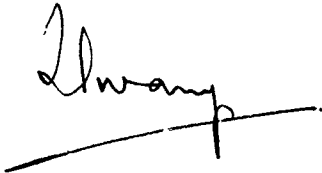
**Appellant** Shri T.R. Kohli, Authorized representative of the Appellant

**Respondent** Shri Prashant Verma, DGM- Sarita Vihar,  
Shri Salaluddin, S.O.  
Shri Narendra Singh, Legal Officer

Date of Hearing: 27.11.2008, 16.12.2008, 29.12.2008  
Date of Order : 31.12.2008

**ORDER NO. OMBUDSMAN/2008/289**

1. The Appellant has filed this appeal against the orders of CGRF-BRPL dated 26.08.2008 in the case CG No. 113/2008, on the following grounds:-
- a) The CGRF has erred in ordering the applicant to pay the arrears from 1991 to 02.04.2003 on the basis of some meter reading books produced by BRPL, which were doctored and were not genuine meter readings, as meters of the applicant were admittedly faulty.
  - b) The Forum has erred in awarding compensation of only Rs.8000/- after holding that the delay in raising the bills is entirely attributable to the



Respondent and this has caused undue harassment / inconvenience to the Applicant.

- c) The Applicant has prayed for reconsideration of the case both with regard to payment as per actual consumption and with regard to payable compensation.

2. The background of the case as per records and submissions of the parties is as under:

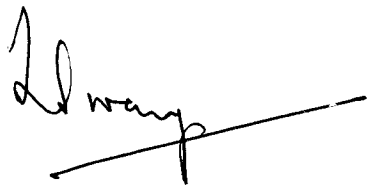
- i) There are four portions in the premises no. H-6, Maharani Bagh, New Delhi – 110065. Two portions exist at ground floor (Front and Back portion) and two portions on the first floor (Part I and Part II). Prior to 02.04.2003, there were two connections in each portion, one for domestic power and second for domestic light. Each of the four domestic light connections was fed through single phase meters and each of the four domestic power connections was fed through three single phase meters. On 02.04.2003, four domestic light connections were amalgamated with four domestic power connections in each portion and three phase meters were provided for each of the four amalgamated connections in place of the single phase meters.
- ii) The disputed period is from 1991 to 02.04.2003 with respect to demand raised for arrears of electricity in respect of the following four number domestic power connections prior to amalgamation:

Sl. No.	Portion	K. No. Before Amalgamation	Meter No.
1.	GF / BP	016/192450-6-DP	- 9603040 - 9603092 - 0494703
2.	GF/FP	017/192420-7-DP	- 3328700 - 3178431 - 3178499

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3.	FF/Part I	017/192448-7-DP	- 9603280 - 9603284 - 9603282
4.	FF/Part II	017/192447-DP	- 9603276 - 9603271 - 9603281

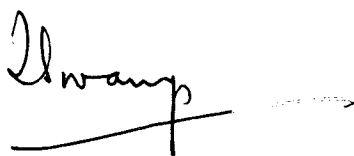
- iii) Earlier, the Appellant had filed a Writ Petition No. 5886/01 in the Hon'ble Delhi High Court. The petition was disposed off vide order dated 07.08.2002 with the directions to the Respondent to send a correct demand to the Applicant.
- iv) As per the Appellant, the court orders were not honestly complied with by the Respondent who continued to raise false / wrong demands and even tried to disconnect the supply. The Appellant filed a fresh Writ Petition no. 3557/03 and vide order dated 23.05.2003, the Respondent was restrained from disconnecting the supply and the Appellant was to pay the current dues.
- v) The above petition no. 3557/03 was disposed off vide order dated 10.02.2006 (page 1 & 2) with the direction that the petition be treated as a representation before the CGRF-BRPL where case no. CG/70/06 was registered. The CGRF after hearing the parties passed the following orders on 31.03.2006 as stated in the appeal:
- Respondent to issue bills in respect of existing connections at premises on reading basis for a period of three years reckoned back with effect from the date of amalgamation, i.e. 02.04.2003, as per law of limitation.
  - Bills issued on provisional basis earlier than three years from the date of amalgamation, i.e. prior to 02.04.2000 will be deemed to have been settled.
  - No LPSC will be levied against such revised bills and all payments made by the petitioner be adjusted for the relevant periods.



vi) Against the above orders, the Appellant filed a petition no. 14873/06 and the Respondent also filed a petition no. 13556/06 before the Hon'ble High Court of Delhi. The said petitions were disposed off vide order dated 01.04.2008 by the Hon'ble Delhi High Court.

vii) Extracts from the High court order dated 01.04.2008 are reproduced below:-

- "It is the responsibility and liability of the DISCOM to establish and show actual consumption of the units from 1991 and justify the electricity bill. The consumer will be entitled to benefit of payments made by him. In case of any dispute about payment the consumer may also be entitled to some indulgence because of the delay in raising the bill as it may be difficult to procure and get firm evidence".
- "It is not possible to agree with the direction given by the CGRF that DISCOM will be entitled to raise a bill for a period of three years, reckoned back with effect from the date of amalgamation i.e. 02.04.2003. While giving the aforesaid direction to Respondent – DISCOM to raise bills only for the period upto 02.04.2003 and no computation of the bill can be raised for the period before the said date. No reason has been given in the impugned order for the aforesaid direction except stating that this was as per law of limitation. It is well settled that normal law of limitation is not applicable for recoverable of electricity dues".
- The matter was remanded back to the CGRF for examining the matter afresh in the light of observations made by the Hon'ble High Court. It was again clarified that "the consumer may be entitled to benefit in case the DISCOM is not able to establish actual consumption of units".



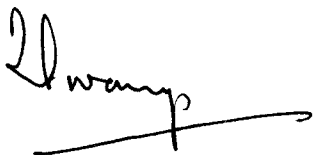
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However, the consumer is liable to pay for actual consumption of units, but without payment of any Late Payment Surcharge (LPSC).

3. The case was registered by the CGRF vide case CG No. 113/2008. In the hearing before CGRF on 08.07.2008, the Respondent submitted copies of meter reading sheets with respect to the connections. On 27.07.2008, the original meter readings books were placed before the CGRF wherein the Forum noted the reading on the day of removal of the meters on amalgamation i.e. on 02.04.2003.

The CGRF in its order dated 26.08.2008 directed that bills in respect of the above connections may be raised w.e.f. 1991 on the basis of actual readings upto 02.04.2003 when domestic power and domestic light connections were amalgamated.

4. The Appellant states in the appeal before me that:
- i) The Forum proceeded on the assumption that the meter reading record as on 02.04.2003 is genuine and has eventually ordered the Respondent to raise the bill w.e.f. 1991 to 02.04.2003 on the basis of actual reading upto 02.04.2003.
  - ii) It is also noticed that under the DVB, LPSC Waiver Scheme 2001, the Appellant made a payment of Rs.1,61,574.00 in the month of February 2001 for availing of the benefit of LPSC and according to the Applicant, this was full and final settlement of all arrears.
  - ii) The Ld. Consumer Redressal Forum has lost sight of the fact that the software of the DVB was not working and they had been raising bills on provisional basis from 1991 to 02.04.2003. Therefore, it is not possible that suddenly in 2008 the BRPL has found certain meter reading books



showing the meter readings as on 02.04.2003 and for a prior period. It is submitted that the meter reading books produced by BRPL are doctored and are not the genuine meter readings with respect to the connections at the premises of the applicant.

- iii) It is also submitted that when admittedly it was not possible for the DVB to raise bills as per consumption for the period during 1991 to 2003, then how is it possible for the BRPL to produce meter readings as on 02.04.2003 and for a period prior thereto.

Not satisfied with the orders of the CGRF referred to in para, the Appellant has filed this appeal.

5. 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 27.11.2008.

On 27.11.2008, the Appellant was present through Sh. T. R. Kohli, authorized representative. The Respondent was present through Sh. Prashant Verma, DGM- Sarita Vihar, Shri Salaluddin, S.O. and Sh. Narender Singh Legal Officer.

Both the parties were heard. The Appellant reiterated the submissions made in the appeal. The Respondent stated that the original meter reading record and books were produced before the CGRF along with statements indicating the dues worked out in respect of each of the four domestic power connections up to 02.04.2003. The Respondent was directed to produce the original meter books reading records along with statements indicating the calculations, details of dues worked out, along with the statement of payments made by the Appellant. The Respondent was asked to give the copies of statements to the Appellant. The Appellant is to reconcile the statements with his own record and file any objections, indicating the points of disagreement,



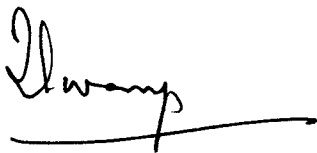
and the reasons for disagreement. The copies of paid bills produced by the Appellant in 2001 during the LPSC waiver scheme do not indicate that these were final bills, in fact two out of the three bills were for the reading upto April 1998. The case was fixed for further hearing on 16.12.2008.

6. On 16.12.2008, the Appellant was present through Sh. T. R. Kohli. The Respondent was present through Sh. Prashant Verma, DGM- Sarita Vihar and Shri Salaluddin, S.O.

The Respondent produced the original meter books and reading records, along with copies of the statements in respect of the four domestic power connections and the statement of payments received from 1991 to 2008. Arguments were heard regarding the disputed billing. The Appellant states that he is willing to pay the arrears based on actual consumption verifiable from records. The original meter reading books were retained for persual and confirmation regarding the actual consumption. The Appellant also states that the dispute is only regarding the four number domestic power connections, and there is no dispute regarding the domestic light connections. The case was fixed for further hearing on 29.12.2008.

7. On 29.12.2008, the Appellant was present through Sh. T. R. Kohli. The Respondent was present through Sh. Prashant Verma, DGM- Sarita Vihar and Shri Salaluddin, S.O.

After scrutiny of the meter reading books and records and the manually prepared reading record statements in respect of each of the four connections, these were shown and explained to the Appellant. It is submitted by the Respondent that the units billed and charged for, are based on actual readings, and the periods during which no readings are available,




have been excluded. It was explained to Sh. Kohli that a few single phase meters had not been working for some periods and therefore show the same reading for long periods. No assessment has been done by Respondent for such periods and no units have been billed for such periods. Based on the actual reading recorded, the veracity of which is not questioned by the Appellant, the statement of dues for the disputed periods was prepared by the Respondent and was checked, verified and signed by all the parties concerned. No LPSC has been levied by the Respondent.

8. The signed statements indicating the dues upto 02.04.2003 payable for each of the following four connections is taken on record. The details of units billed, payments received and amounts still due are given below:

K. No.	Period	Units billed	Billed amount	Payment received	Payment due
1924506	28.02.1991 – 02.04.2003	60492	Rs.1,91,864/-	Rs.1,34,364/-	Rs.57500/-
1924207	27.06.1992 – 02.04.2003	141384	Rs.4,22,770/	Rs.3,79,010/	Rs.43,760/
1924479	28.06.1992 – 02.04.2003	107700	Rs.3,13,697/	Rs.2,95,657/	Rs.18,040/
1924487	28.06.1991 – 02.04.2003	83684	Rs.2,75,192/	Rs.2,70,772/	Rs.4,420/

The Respondent should give a copy of all the four statements of units billed, energy cost calculations, payments received, and final dues worked out along with a manually prepared reading chart, to the Appellant. The Appellant has agreed to make payment on receipt of the bills so prepared on the basis of these statements, by the Respondent. The Respondent should raise the revised bills within a period of 21 days of this order.

31<sup>st</sup> December 2008

  
(Suman Swarup)  
Ombudsman