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**Office of the Electricity Ombudsman**  
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)  
**B-53, Paschimi Marg, Vasant Vihar, New Delhi – 100 057**  
(Phone No.: 39506011 Fax No.26141205)

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Ref: E.OBM/A/05/29

Dated: 19<sup>th</sup> September, 2005

**Appeal No. F. ELECT/Ombudsman/2005-06/29**

Appeal against Order dated 6.6.2005 passed by CGRF – BRPL on Case No.: CG/365/2004.

**In the matter of:** Lt. Col. Vinod Aggarwal (Retd.) - Appellant

**Versus**

M/s BRPL - Respondent

**Present:-**

**Appellant** Lt. Col. Vinod Aggarwal, appellant

**Respondent** Shri Chittaranjan Tripathi, Business Manager and  
Shri Sukhbir Sharma, Section Officer( Billing) of BRPL

Date of Hearing : 13.09.2005

Date of Order : 19.09.2005

**ORDER NO. OMBUDSMAN/2005/29**

The appellant is registered consumer of electricity its meter being K. No. 2530 N 524-0135 at premises No. E-38, East of Kailash, New Delhi. The appellant has been the owner of said premises since 1969-70 and three phase connection of 4 KVA was sanctioned. Initially three meters were installed by the respondent company but when the meter stopped working it was replaced by a single three phase meter. However, the replaced meter was also found defective and the appellant received bills on average basis from 1990 onwards which were duly paid by him. It is further stated that a new electronic meter was installed at the said

premises in place of defective meter some time in May 2003. However, the appellant continued to receive provisional bills on average basis.

Bill for the month of June 2003 received by the appellant also did not show the correct reading and contained errors in the meter number. Thereafter, the appellant again received bill for August 2003, October 2003, December 2003, February 2004, April 2004, June 2004, August 2004 and October 2004 which were all provisional. Several complaints made by the appellant were of no avail and the appellant continued to receive exorbitant and inflated bills.

The appellant then filed a complaint in the CGRF which passed an order dated 6.6.2005 ordering "bills to be raised for period of three years prior to the date of replacement of electro magnetic meter by electronic meter i.e May 2000 to 24.5.2003 in accordance with laws of limitation".

It is against this order that the appellant has filed an appeal before the Electricity Ombudsman.

After examining the contents of the appeal and the replies submitted by the Discom to the queries raised by the Office of Electricity Ombudsman, the case was fixed for hearing on 6.9.2005 and later deferred to 13.9.2005.

Shri Chittranjan Tripathi, Business Manager of the respondent company alongwith Shri Sukhbir Sharma, Section Officer (Billing) attended the hearing. The appellant Lt. Col. Vinod Aggarwal (Retd.) attended the hearing, in person.

The appellant Lt. Col Vinod Aggarwal (Retd.) recalled numerable visits to BSES after November 2003 to get his bill corrected as exorbitant bills were being received by him for last over 15 years. Apart from submissions made before CGRF which are already on record, he filed supplementary submissions before the Office of Electricity Ombudsman

He submitted that he received a bill dated 15.02.05 for Rs.60,813/which included arrears of Rs. 54,720/ and a late fee of Rs.1192.52 and on the very next day he received another revised/ supplementary bill of Rs.2,23,666.79. He repeated these facts for emphasizing the anxiety and mental agony that he went through on this account and for which he had to resort to legal assistance for relief.

In his supplementary submission before the Ombudsman he has referred to Delhi Electricity Regulatory Commission (Performance Standards – Metering & Billing ) Regulations, 2002, Chapter 5, Para 18 which provides that provisional billing shall not continue for more than 2 billing cycles at a stretch. If the provisional billing continues for more than two billing cycles, a penalty as specified in chapter IX shall be paid by the Licensee.

He has referred to a number of judgments of different courts/Forums to press his point that he cannot now be charged for the last 15 years specially when all the bills

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received by him were all duly paid by him. He has quoted extensively from the following judgements:

1. Supreme Court order in the case of M.P.E.B. and others v/s Basantibai reported as AIR1988 SC71
2. Delhi High Court Order in the case of H.D.Shourie v/s Municipal Corporation of Delhi & another.(Civil Writ No. 2004 of 1983 dated 31.3.87) Delhi 218
3. National Consumer Dispute Redressal Forum in the Case-of Y.S.Gupta v/s DESU

The last case has been cited by him for the purpose of seeking award costs and compensation. for deficiency of service.—Raising bills without actual meter readings

- Submitting exorbitant bills
- Raising belated claims
- Charging meter rent for a faulty meter
- Finally he has relied on section 56(2) of the Electricity Act 2003

Relying on the above he has prayed for appropriate bills to be raised in accordance with section 56 (2) of Electricity Act 2003. and appropriate compensation for deficiency in service for raising bills without actual meter reading, raising exorbitant bills for energy consumed from 1990 to 2004, meter rent for faulty meter from 1990 to 2003.

In reply to queries of the Electricity Ombudsman as to why provisional bills were being sent to the appellant for over 15 years, the respondent company submitted that "after 1990 meter books were not available therefore no readings could be confirmed for the three meters up to October 1995". After October 1995, readings were not available for the three meters since one or two meters out of the three became defective. After that all the three single phase meters were amalgamated with single three phase meter but the date of amalgamation was not available in the records. This three phase electro-mechanical meters was again replaced with an electronic meter on 24.5.2003 during routine change of meters but bills were still raised on provisional basis due to pendency of assessment of defective three single phase meters."

The above reply shows the rather casual response of the officers of the Discom who did not take remedial measures to redress the genuine grievance of the aggrieved consumer despite his numerous visits to the office of the Discom. **It is strongly suggested that an appropriate and effective system of handling consumer grievance must be put in place by the Discom to avoid such cases of harassment in future.**

The Respondent company confirmed, that bill amounting to Rs.2,23,666/79 was raised on the appellant, but it also admitted that as per section 56(2) of the Electricity Act 2003, **no sum due from any consumer shall be recoverable after the period of two years from the date when such sum first became due unless**

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such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

I agree with the Respondent company that Section 56 (2) of the Electricity Act 2003 applies in this case and not the Law of Limitation. In fact the CGRF has erred in ordering bills to be raised for three years by applying the provisions of the Limitation ACT when Section 56(2) of the Electricity Act specifically provides for such a situation. Accordingly, the respondent company is entitled to recover dues from the appellant for two years on the basis of actual reading from October 2002 onwards up to December 2004 (when the first bill was given on actual reading) - not on provisional basis. Credit will of course be given for the payments made by the appellant to the respondent company. No late payment surcharge will be charged during this period.

Shri Tripathy of the respondent company was directed to submit calculations on the above basis by 16.9.2005 at 11.30 AM for verification by the Ombudsman.

The revised calculation as per the above directions is submitted today i.e. 19<sup>th</sup> September by the respondent company. **The net amount payable by the appellant is determined at Rs.22,390/48 after giving credit for all payments made by him. The appellant has been shown the calculations and he is satisfied with them.** He is directed to make the payment by the due date on being given the revised bill

Clause 42 (Regulations 17) of DERC Notification dated 19.8.2002 (Performance Standards – Metering & Billing) Regulations, 2002, provides for penalty of Rs.500/- per billing cycle if the provisional billing continues for more than two billing cycles. In the case before us the respondent company has been sending provisional bills from August 2002 up to October 2004 i.e for 12 billing cycles of 2 months each. **Therefore the respondent company is liable for penalty of Rs.6000/ to be deposited with Delhi Electricity Regulatory Commission.**

The appellant has prayed for compensation for the immense harassment anxiety, physical discomfort and monetary loss in terms of legal consultancy and 14 visits to the BSES office after November 2003. **It is evident from the facts as narrated earlier that the appellant has undergone a lot of mental agony and anxiety while continuously pursuing his case at the office of the DISCOM and subsequently at the Forum, for no fault of his. In the interest of equity and justice a composite compensation of Rs.5000/- is awarded to him for the mental harassment and anxiety and Litigation cost.**

The order of the CGRF is set aside.

अशा मेहरा  
(Asha Mehra)  
Ombudsman

AS PER OMBUDSUM DIRECTION

2530N5240135

08-10-2002 - 65650  
24-05-2003 71975  
228 DAYS = 6325 UNITS

$\frac{100}{30} \times 228 = 760 =$   
6325 UNITS

760 X 1.50 = 1140.00  
760 X 2.10 = 1596.00  
152 X 3.00 = 4560.00  
3285 X 3.60 = 11826.00  
6325

24.5.03 TO 1.12.04  
0 - 16583  
24.05.03 TO 3.07.03 = 40DAY  $\frac{100}{30} \times 40 = 133.33$

$\frac{16583}{557} \times 40 = 1190.87$   
1191 UNITS

134 X 1.50 = 201.00  
134 X 2.10 = 281.00  
268 X 3.60 = 804.00  
655 X 3.60 = 2358.00  
1191

4.7.03 TO 18.6.04 = 351 DAYS  
 $\frac{100}{30} \times 351 = 1169.99$   
 $\frac{16583}{557} \times 351 = 10449.96$   
10450 UNITS

1170 X 1.75 = 2047.50  
1170 X 2.35 = 2749.50  
2340 X 3.25 = 7605.00  
5770 X 3.85 = 22214.50  
10450

19.6.04 TO 1.12.04 = 165  
200 X 166 = 1106.66

$\frac{16853}{557} \times 166 = 4942.15$   
4942 UNITS

1107 X 2.20 = 2435.40  
1107 X 3.60 = 3985.00  
2728 X 4.10 = 11184.80  
4942 74988.30  
E.T. = 3749.41

FIX CHARGES = 780.00  
12 X 9 M.RENT = 108.00

ARREARAS AS ON AUG02 BILL = 2.43

FEB-05 16583 TO 17944 =  
APRIL-05 17944 TO 19186 =  
JUNE-05 19186 TO 20460 =  
AUG-05 20460 TO 22039 =

4900.71  
4371.62  
4576.57  
6143.44  
99620.48  
77230.00  
22390.48

PAYMENTS  
NET TO BE PAID

SO(B) 16/9

COE 16/9

BM(D) HP 16/9

Payments Received Details

08.11.2002	2640.00
21.01.2003	1990.00
12.03.2003	1990.00
31.05.2003	1980.00
15.07.2003	1990.00
23.10.2003	1490.00
24.11.2003	2000.00
07.01.2004	1500.00
05.03.2004	2000.00
29.06.2004	5000.00
02.09.2004	2000.00
21.10.2004	2000.00
27.06.2005	50650.00

Total payment recd during the said period 77230.00

Net Amount Payable

22380.48  
22655.21

SO (B)

CO (D) *[Signature]*  
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*[Signature]*  
BM (C) NHP