

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- cum – Fax No.011-26141205)

Appeal No. 03/2019

(Against the CGRF-TPDDL's order dated 19.11.2018 in CG No. 7960/09/18/MGP)

IN THE MATTER OF

SHRI SURESH CHAND JAIN

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Mukesh Gill, Advocate, on behalf of Shri Suresh Chand Jain, the Appellant.

Respondent : Shri Harshendu Kumar, Sr. Manager (Legal) along with Shri Vishal Mishra, Sr. Executive, on behalf of TPDDL.

Dates of Hearing: 25.03.2019 & 01.04.2019

Date of Order: 05.04.2019

ORDER

1. The appeal No. 03/2019 has been filed by Shri Suresh Chand Jain, as proprietor on behalf of the registered consumer, M/s Amar Foundry Works situated at Plot No. 142, Block T-2, Mangolpuri Industrial Area, Phase - I, Delhi-110083, through his advocate Shri Mukesh Kumar Gill, against the order of the CGRF-TPDDL dated 19.11.2018 passed in CG No.7960/09/18/MGP. The issue concerned in the Appellant's grievance is regarding the billing dispute against the meter found defective in respect of his electricity connection bearing CA No. 60009196472.

2. In the instant appeal, he has stated that an inspection was carried out by the Discom (Respondent) on 17.07.2018 and since there was 'No Display' on the meter, the meter was declared defective and was replaced on 25.07.2018 with a new one and an inflated assessed bill of Rs.85,039/- was raised for 9417 KVAH units in August, 2018. He has alleged that the meter was working O.K. and Discom did not hand over any test report of the defective meter to him which could substantiate that the meter was actually faulty and has raised a frivolous bill for 44 days which is baseless and wrong. The assessment has been made by the Respondent on the basis of average consumption of the corresponding period of the last year, which is not as per the regulations and has further pleaded that since his present average consumption is quite less so in order to assess the



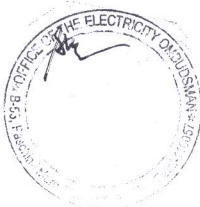
consumption for the period, the meter remained defective viz, for 44 days on the basis of previous year's consumption is not in order.

The Appellant approached the CGRF wherein his submissions for quashing and rectification of the wrong, huge and illegally assessed bill was not accepted and he is therefore challenging the order of the Forum on the grounds that CGRF has failed to take the cognizance of the fact that no report has been filed by the Discom which could substantiate that the meter is faulty except the meter replacement form showing 'No Display' and has also not considered the fact that even if there is no display on the meter, it does not necessarily mean that the meter is faulty and is not recording any reading. Also the Forum has not considered the fact that since the meter reading is being recorded on minute to minute basis through modem then why the meter being faulty could not be detected by them earlier as and when it stopped recording the consumption. The Appellant has also disputed the assessment carried out for 44 days from 10.06.2018 to 24.07.2018 instead of 31 days from 10.06.2018 to 11.07.2018, since the Discom has taken a long time in changing the meter and has further requested that the average calculations should have been made on the basis of Section 43 (i) of DERC's Regulations, 2007 instead of Regulations, 2017, which are on the higher side and the bill raised for the defective period should accordingly be corrected.

In view of the above mentioned facts, the Appellant has prayed as under:

- (a) To set-aside the order dated 19.11.018 bearing C.G. No. 7960/09/18/ MGP of Hon'ble Consumer Grievance Redressal Forum, Model Town-II, Delhi.
- (b) To direct the Respondent to firstly prove its allegation beyond any doubt and then charge the assessment amount for 6092 units only accordingly to law.
- (c) To direct the Respondent to compensate the Appellant an amounting Rs,50,000/- on account of all type of losses i.e. loss of monetary loss, name, fame, goodwill, physical and mental harassment pain and agony along with litigation cost.
- (d) Any other and further order/relief in favour of the Appellant which this Hon'ble Court may deem fit and proper, in the interest of justice.

3. The Respondent in its reply has submitted that the existing meter No. NDP 16659 was found defective and was replaced on 25.07.2018 in the presence of the Appellant, with a new meter bearing No. 95301691 as the old meter was showing 'No Display' since 09.06.2018. The Respondent have submitted the copy of the Meter Protocol Sheet duly signed by the consumer to substantiate that the consumer did not raise any objection that the meter is not defective and also never demanded for getting the meter tested from the third party at the time of removal/replacement of the meter. In order to assess the consumption for the period of 10.06.2018 to 24.07.2018, an assessment on Time of Day (TOD) tariff has been carried out for the above said period on the basis of average consumption from 10.06.2017 to 10.07.2017 in accordance with the prescribed regulations. Accordingly, an amount of Rs.85,039/- for 9417 KVAH units has become payable by

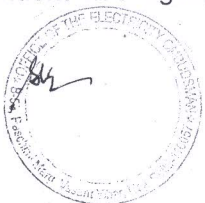


the consumer and was raised in the bill for the month of August, 2018. The Respondent has further pleaded that they have carried out the assessment strictly in accordance with the provisions of law hence there is no illegality in raising the aforesaid assessment charges which have been calculated on the basis of average consumption of the corresponding period of the previous year immediately preceding the defective period. The Respondent has also submitted the meter reading details of the said connection pertaining to the period in question to substantiate the same.

Further, the Respondent have submitted that the assessment has been done as per Clause 39(1) of DERC's Regulations, 2017 and the contention of the Appellant that the same should have been done on the basis of Clause 43 (i) of DERC's Regulations, 2007 is not in order, since the meter was replaced on 25.07.2018 and DERC's Regulations, 2017 came into force from 01.09.2017 and hence are applicable in this case. Also, they have not charged for the cost of the meter from the consumer and in the instant case the period in question has gone unbilled since the meter was not showing any display and as such no bill was raised for the said period prior to the bill issued in August, 2018. The contention of the Appellant, that his MDI during this period was low and the same should have been taken into consideration while calculating the average is also not correct since the MDI only indicates the maximum demand at a particular time and has no relevance with the consumption. As far as the time taken in changing the meter is concerned, they have changed the meter within the stipulated time of 15 days of the meter being found defective and accordingly the assessment has been done for 44 days instead of 30 days as requested by the Appellant and the same is as per extant regulations.


In view of the above submissions, the Respondent hence prayed that the present appeal is liable to be dismissed and decided in favour of the Respondent and the Appellant is neither entitled for any relief nor any compensation on any account whatsoever. It is, therefore, requested to pass such order and further orders as deem fit and proper in the facts and circumstances of the case.

4. After hearing both the parties and going through the material on record the basic issue that emerges is that the meter was found defective showing 'No Display' since 09.06.2018 and the same was replaced on 25.07.2018 in the presence of the Appellant. The meter protocol sheet was duly counter signed by him in token thereof and he did not raise the issue that the meter should not be replaced and be got tested through the designated third party lab at the time of removal of the defective meter. The bill raised by the Discom for the defective period on the basis of actual average consumption recorded during the corresponding period in the preceding year as per Clause 39 (i) of DERC's Regulations, 2017, is in order. The contention of the Appellant that the assessment of the defective period should have been done on the basis of present consumption pattern or as per MDI etc. is without any logic and is not as per the regulations, therefore, cannot be accepted. Secondly, since the defective meter was replaced by the Respondent within the stipulated period of 15 days, after being found defective, as per the norms provided in the Regulations, so the argument of the Appellant that the Discom has taken a long time in changing the meter and hence he should be charged only for 30 days is not correct and the Respondent has rightly assessed the bill for 44 days from 09.06.2018 to 24.07.2018.



In view of the above, as far as assessed billing modalities is concerned, the Respondent has followed the due procedure prescribed under the DERC's Supply Code Performance & Standards Regulations, 2017 in raising the bill on the basis of average consumption of the corresponding period of the previous year immediately preceding the defective period.

In summary, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.


(S.C. Vashishta)
Electricity Ombudsman
05.04.2019