

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/2009/301

Appeal against Order dated 02.12.2008 passed by CGRF–BYPL in case CG. No.199/10/2008.

In the matter of:

Shri Sanjeev Kumar Gambhir - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant Shri Sanjeev Kumar Gambhir was present in person

Respondent Shri P.K. Bhardwaj, AGM
Shri Gopal Bisht, Sr. Manager,
Shri Tarun Kansal, Meter Reader and
Shri Rajeev Ranjan, Assistant Manager (Legal), attended
on behalf of the BYPL

Dates of Hearing: 13.03.2009, 02.04.2009

Date of Order : 22.04.2009

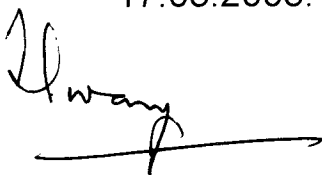
ORDER NO. OMBUDSMAN/2009/301

1. The Appellant has filed this appeal against the orders of CGRF-BYPL dated 02.12.2008 in the complaint no. 199/10/2008, as he did not get any relief against the demand of Rs.92,678/- raised by the Respondent, for the period August 2005 to October 2008.



2. The brief facts of the case as per the contents of appeal, CGRF's order and submissions made by the parties are as under ;

- i) The Appellant is the registered consumer of electricity connection K. No. 1220R6220076 for a sanctioned load of 3 kw, for domestic use. As per the Appellant he had made payment of electricity bills upto August 2005 regularly, and nothing was due from him. Thereafter, the Respondent raised wrong and inflated provisional bills. The Respondent revised the bill for the month of December 2007, for the period 19.04.2007 to 31.10.2007 for an amount of Rs.10,180/-. The bill for the period 29.08.2005 to 27.02.2008 was again revised for an amount of Rs.57,688/- without giving any basis. The Respondent again revised the bill a third time in November 2008, for the period 27.02.2008 to 23.10.2008, amounting to Rs.92,678/- in which a third dial over was considered. The Appellant's plead is that the Respondent recorded wrong readings from August 2005 onwards and the Appellant had been harassed with inflated demands.
- ii) The Appellant filed a complaint before the CGRF for revision / correction of his bill as per actual readings w.e.f. 24.04.2005 till date as well as for withdrawal of LPSC. He also prayed for grant of compensation for harassment and mental agony.
- iii) The BYPL submitted before the CGRF that R-9963 was recorded on 24.04.2005 in the four digit electro mechanical meter. The bill was raised on this basis, and was paid by the Appellant on 17.05.2005. Thereafter, the readings recorded by the meter



reader on 25.06.2005 as R-10205, and on 29.08.2005 as R-10405, were wrong. These readings had been corrected and all provisional demands raised were withdrawn and the bill revised accordingly on the basis of actual readings as per the following details:

- **Consumption**

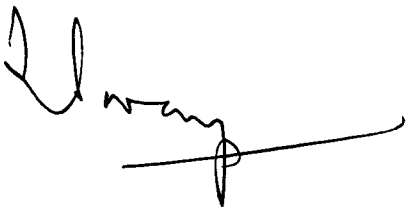
a) R – 9963 on 24.04.2005 $\frac{8711}{245}$
R – 8674 on 25.04.2006 (one dial over) 24 units
i.e. consumption of 8711 units in one year.

b) R – 8674 on 25.04.2006 $\frac{6122}{215}$
R – 4796 on 10.01.2007 (one dial over) 21 units
i.e. consumption of 6122 units in 8.5 months.

c) R – 4796 on 10.01.2007 $\frac{5942}{135}$
R – 738 on 27.02.2008 (one dial over) 13 units
i.e. 5942 units in 13.5 months

d) Consumption from 27.02.2008 (R-738) to 27.10.2008 (R-6279) = 5541 units in 8 months. $\frac{5541}{200}$

iv) The CGRF agreed with the submissions made by the Respondent and held that the revised bill raised by the BYPL for Rs.92,678/- was correct and payable by the Appellant in five installments. They also allowed a compensation of Rs.2,000/- for undue harassment caused by the Respondent in raising provisional bills for a long time.



Not satisfied with the above orders of the CGRF, the Appellant has filed this appeal.

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 13.03.2009.

On 13.03.2009, Shri Sanjeev Kumar Gambhir the Appellant was present in person. The Respondent was present through Shri P.K. Bhardwaj, Assistant V.P., Shri G. S. Bisht, Senior Manager and Shri Rajeev Ranjan, A.M. (Legal).

Both parties were heard. The Appellant reiterated the submissions already made in his appeal and further stated that the Respondent has been raising wrong and inflated provisional bills for a long period and the demand raised in November 2008 w.e.f. August 2005, is wrong and time barred under section 56 (2) of Electricity Act 2003. The perusal of documents submitted indicates that physical verification was carried out on 27.10.2008 and as per report, meter no. 3012638 is recorded on the bill, whereas meter no. C-315359 was available at site with reading of 6279. Another document i.e. the Meter Change Report indicates that the old meter no. 3012638 was replaced on 19.12.2008 at reading 1483. Both reports show different meter numbers and readings, as such the Respondent was directed to produce both the meters on the next date of hearing alongwith the



official who changed the meter in December 2008. The case was fixed for further hearing of 02.04.2009.

4. On 02.04.2009, the Appellant was present in person. The Respondent was present through Shri P.K. Bhardwaj, Assistant, V.P., Shri G. S. Bisht, Senior Manager, Shri Rajeev Ranjan, A.M. (Legal) and Shri Tarun Kansal, meter reader, who physically verified the premises in October 2008 and prepared the Physical Verification Sheet dated 27.10.2008. The Respondent stated that the old meters could not be produced as the same had been destroyed. The meter change report is not found to be reliable, in view of the meter verification report produced and verified to be correct by the Respondent official Shri Tarun Kansal, who had prepared it.

From the reading record for computerized billing system produced by the Respondent, it is observed that the R – 1155 was recorded on 21.10.2002 and R – 9963 on 24.04.2005. This indicates a consumption of 8808 units in a period of 30 months i.e. an average of 293.6 units per month. Thereafter, numerous readings were manually entered in the records upto January 2008. It is seen that the manually entered reading was 5757 on 27.10.2005 and 405 on 29.08.2005. This gives a consumption of 5352 units in a period of about two months which appears very high in comparison to the earlier average of 293 units per month. The records produced by the Respondent also indicate that from October 2005 to January 2008, 15 provisional bills were issued because no readings were available in the computer billing system, whereas in the record produced during hearing

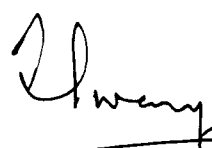


subsequently, readings have been entered manually. If such readings were already available with the Respondent why were a large number of provisional bills issued continuously? This could not be explained convincingly by the Respondent. After 25.08.2005 the readings appear to be unreliable / inconsistent. The reading 6279 recorded on 27.10.2008 in the physical verification report was verified to be correct alongwith the earlier reading of 6188 recorded on 23.10.2008. The main plea of the Appellant is that the readings after August 2005 are not reliable. These appear to have been incorporated later. Both parties have no objection if the bill is revised for the period 29.08.2005 to December 2008 when the meter was replaced, based on the average consumption of accepted readings recorded on 23.10.2008 and 27.10.2008.

5. After considering all relevant facts, as indicated above the Respondent is directed to revise the bill, and to workout the net payable amount after adjusting all the payments made by the consumer during the said period, including 1/3rd of the disputed amount paid while filing the appeal.

The CGRF order is accordingly set aside.

22nd April 2009


(SUMAN SWARUP)
OMBUDSMAN