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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)

Appeal No. F. ELECT/Ombudsman/2009/308

Appeal against Order dated 06.10.2008 passed by CGRF–BYPL in case CG. No.147/08/08.

In the matter of:

Shri Umesh Kumar - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant Shri Surender Singh, Advocate was present on behalf of the Appellant

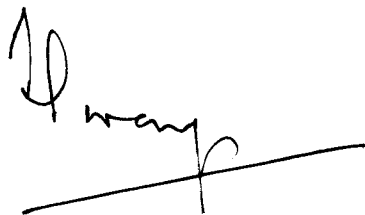
Respondent Shri P.K. Bhardwaj, AGM
Shri Gopal Bisht, Sr. Manager
Shri Rajeev Ranjan, Assistant Manager (Legal), attended on behalf of the BYPL

Dates of Hearing: 18.03.2009, 02.04.2009

Date of Order : 21.04.2009

ORDER NO. OMBUDSMAN/2009/308

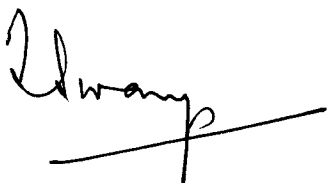
1. The Appellant has filed this appeal against the orders of the CGRF-BYPL dated 06.10.2008 in case CG No. 147/08/08. The Appellant has prayed that the bill for 20141 units issued against K. No. 1220R4340210 NL in the name of his mother, late Smt. Prakashwati, be quashed and a revised bill be issued based on



past consumption. The Appellant has also prayed that the revised bill issued in the name of Sh. Umesh Kumar (Appellant), for K.No. 1220R4030210 NX be quashed as he has been making payment of the bills regularly after change of the meter on 05.05.2007, and there was no dispute against the said connection.

2. The background of the case as per the contents of the appeal, CGRF's order and the submissions made by BYPL are as under:

- a) The Appellant Shri Umesh Kumar is representing the case of his mother Late Smt. Prakash Wati who had an electricity connection no. 1220 R434 0210 in her name for a 5 KW load. There is another connection in the same premises in the name of the Appellant Shri Umesh Kumar, having K. No. 1220 R403 0210. The old electro mechanical meters were replaced for both the connections on 05.05.2007.
- b) In respect of late Smt. Prakash Wati's connection, the bills after installation of the new meter, were issued upto the reading 2310 dated 17.01.2008 for meter no. 13607686, and were paid. The next bill for March 2008 was issued with the reading 23451 as on 12.03.2008 i.e. for a consumption of about 20141 units in a period of about two months, for Rs.1,48,530/-. Against this bill the Appellant filed a complaint before the CGRF vide complaint no. 147/08/08. The



Appellant stated before the CGRF that the reading 23451 recorded on 12.03.2008 was wrong due to jumping of the meter, as the reading of 2310 was recorded on 17.01.2008. Consumption of 20141 units in about two months was practically impossible.

- c) The BYPL stated before the CGRF that the meters for both the connections were changed on 05.05.2007. Details of meter no. 1367686 installed for K. No. 1220 R434 0210 were punched inadvertently against K. No. 1220 R403 0210, and similarly, details of meter no. 13607782 installed for K. No. 1220 R403 0210 were punched inadvertently against K. No. 1220 R434 0210. This caused raising of bills erroneously against both the K. No.'s. BYPL denied that the reading 23451 recorded on 12.03.2008 and 31352 on 11.07.2008 were wrong, as these readings were downloaded readings with MDI of 8.7 and 8.61. The Respondent BYPL stated that earlier readings were not downloaded readings but were manually recorded. The meter no. 13607686 of K. No. 1220 R434 0210 was tested on 12.08.2008 and meter no. 13607782 of K. No. 1220 R403 0210 was tested on 11.08.2008 and the accuracy was found to be okay and within prescribed limits. The BYPL further stated that as per the site report dated 08.08.2008, meter no. 13607686 for K. No. 1220 R434 0210 was found not in use / disconnected, at reading 31352, although, the supply was not disconnected

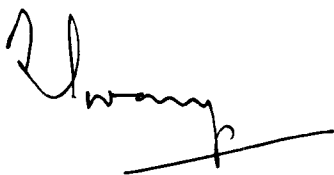


by the BYPL. The premises is a four storey building fully commercial, and a garment factory is running there with a total connected load of more than 90 KW.

- d) The BYPL stated before the CGRF that the electricity bills against K. No. 1220 R434 0210 had been worked out as per the actual reading of the meter no. 1367782, and the net amount payable is Rs.70,808.65. The calculation of the electricity bill against K. No. 1220 R403 0210 has been worked out as per the actual reading of meter no. 13607686, and the net payable amount comes to Rs.91,277.23.
- e) The CGRF in its order held that the inter-changeability of the readings of both the K. Nos. is possible and the calculation of the electricity bills worked out for both the connections upto July 2008 are in order and are therefore payable by the Appellant. BYPL was directed to pay compensation of Rs.1,000/- for harassment arising out of inter-changing of the meters

Not satisfied with the above orders, 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 18.03.2009.

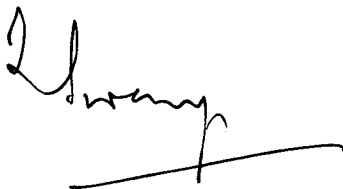


On 18.03.2009, the Appellant was present through Sh. Surender Singh, Advocate. The Respondent was present through Sh. P.K. Bhardwaj-AGM, Sh. Gopal Bisht, Sr. Manager and Sh. Rajeev Ranjan-AM (Legal).

Both parties argued their case. The Appellant stated that he had disputed the bill raised against K. No. 1220 R434 0210 as very high consumption, viz 20141 units, were shown for the period 17.01.2008 to 12.03.2008. There was no dispute against the bills raised for K. No. 1220 R403 0210. The Respondent had misled the CGRF by stating that alleged wrong punching of meter details, and consequent inter-changing of readings, had resulted in raising of wrong revised bills against the undisputed K. No. 1220 R403 0210.

The Respondent re-iterated the submissions already made before the CGRF and stated that as per the photographs taken at site it is evident that both the K. Nos. and meter Nos. were inter-changed inadvertently. The bills have however been raised as per the downloaded readings. After going through the documents/ reports filed by both the parties it is observed that:-

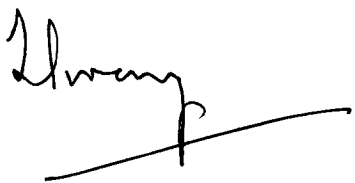
- i) As per meter change report dated 05.05.2007 the new meter no. 13607686 was installed against K. No. 1220 R434 0210 and the



new meter no. 1367782 was installed against K. No. 1220 R403 0210.

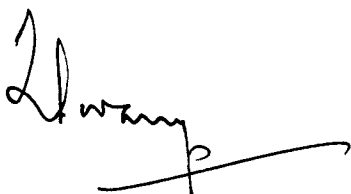
- ii) Copies of the bills issued after change of meters on 05.05.2007 reflect K. No. and meter no. as per (i) above in respect of both the meters.
- iii) The meter test report dated 12.08.2008 indicates that meter no. 13607686 was tested for K. No. 1220 R434 0210.
- iv) The meter test report dated 11.08.2008 indicates that meter no. 13607782 was tested for K. No. 1220 R403 0210.
- v) Physical verification report dated 08.08.2008 for K. No. 1220 R434 0210 indicates that meter no. 13607686 was found installed, but not in use.
- vi) The permanent disconnection/meter removal report dated 10.09.2008 indicates that meter no. 13607686 was removed at reading 31353 installed for K. No. 1220 R434 0210.

From the above it is observed that there was no inter-change of meter nos. and K. nos. The Respondent provided photographs which indicate that K. No. painted on the meter cover plate is different from that recorded in various reports. It appears that the K. nos. could have been painted later as it is hard to accept that the officials who have prepared all the above reports, had written wrong K. nos. in every report. The Respondent official admitted the discrepancy in the meter change reports, site visit report and bills issued, as also in the reply submitted.



4. The Respondent officials also could not explain as to how 20141 units can be consumed in about two months period as this does not match with the past consumption pattern. Since both the meters were changed on the same date i.e. 05.05.2007, the Respondent is directed to download the consumption of both the meters upto September 2008 and to produce the record on the next date of hearing i.e. 02.04.2009. The Appellant stated that his supply has been disconnected, though the issue was pending for a final decision. The Respondent was directed to restore the supply till the case is decided.
5. On 02.04.2009, the Appellant was present through Sh. Surender Singh, Advocate. The Respondent was present through Sh. P.K. Bhardwaj-AGM, Sh. Gopal Bisht, Sr. Manager and Sh. Rajeev Ranjan-AM (Legal).

Both the parties argued at length. The downloaded data of the two meters produced by Respondent were taken on record. For K. No. 1220 R434 0210 with meter no. 13607686 the downloaded data was for the period 30.04.2008 to 31.08.2008. The meters were changed on 05.05.2007. The downloaded data was required for the entire period so as to see the actual consumption and to assess whether the readings recorded earlier were correct or not. Similarly for K. No.

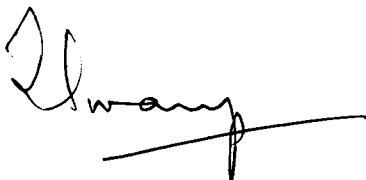


1220 R403 0210, with meter no. 13607782 the downloaded data was produced for the period 30.09.2008 to 30.01.2009.

The Respondent as well as the Appellant agreed with the readings so far recorded for meter no. 13607782 for K. No. 1220 R403 0210, and the pre-revised bills issued before going to CGRF as these are not under dispute.

For K. No. 1220 R434 0210, the dispute started when the reading 23541 was recorded on 12.03.2008 and thereafter, although the earlier reading was 2310 as on 17.01.2008. The Respondent officials could neither confirm whether the readings of the new meter for the period 05.05.2007 to 17.01.2008 were wrong nor could they produce the downloaded readings from 05.05.2007 onwards.

The Respondent officials stated that besides these two connections under dispute there is another third connection in the name of Smt. Anita Sharma in the same premises and it is apprehended that there is an inter-change of load on these connections. If one accepts this contention then consumption of either of the other two connections would increase. The Respondent officials could not show any such drastic increase in the consumption of the other two connections. It appears that meter no. 13607686 of K. No. 1220 R434 0210 started showing abnormal readings after 17.01.2008 and the complaint of the consumer of meter jumping was not addressed. He therefore stopped



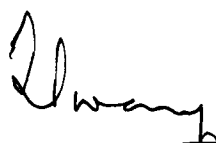
using the said connection. The readings recorded by meter no. 13607686 for K. No. 1220 R434 0210 after 17.01.2008 do not appear to be reliable and the consumption is inconsistent and highly inflated as compared to the past consumption, and sanctioned load.

Had the respondent been able to produce the downloaded data from 05.05.2007 to July 2008 for both the meters, the picture regarding consumption would have emerged. In the absence of any such evidence, it can only be inferred that:-

- a) The bill of the consumer for K. No. 1220 R434 0210 and meter no. 13607686 in the name of late Smt. Prakash Wati needs revised for the period 17.01.2008 to 30.06.2008, based on the average past consumption for the period 05.05.2007 to 17.01.2008.
- b) Since inter-change of meter nos. and K. nos. has not been established, the bills for K. No. 1220 R403 0210 with meter no. 13607782 raised before the Appellant filed a complaint in the CGRF are payable, as the same have not have been disputed by the Appellant.

The CGRF order is set aside accordingly.

21st April 2009


(SUMAN SWARUP)
OMBUDSMAN