

**OFFICE OF 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 No.: 011-26144979)

**Appeal No. 31/2022**

(Against the CGRF-BYPL's order dated 06.09.2022 in Complaint No. 126/2022)

**IN THE MATTER OF**

Dr. Ram Kishore Tyagi

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Dr. Ram Kishore Tyagi, in person.

Respondent: Shri Tarun S Anand (CO), Ms. Shweta Chaudhary, Legal Retainer and Ms. Ritu Gupta, Advocate, on behalf of BYPL

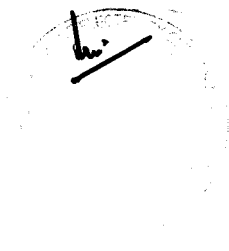
Date of Hearing: 22.12.2022

Date of Order: 23.12.2022

**ORDER**

1. Appeal No. 31/2022 has been filed by Dr. Ram Kishore Tyagi, R/o 517/D (New No. 1828), Street No. 5 & 6, Vijay Park, Mauzpur, Delhi-110053, on behalf of registered consumer Smt. Santosh (spouse of the Appellant) against the order of the Forum (CGRF-BYPL) dated 06.09.2022 passed in Complaint No. 126/2022.

2. The instant appeal is that the Appellant registered a complaint on 11.03.2022 with the Discom (Respondent) regarding frequent tripping of supply for electricity meter (CA No. 101437531) which was attended by the Respondent's staff on the same day and the supply from the display unit was bypassed. The meter was replaced with new meter with 'Display' unit on 09.04.2022 and old meter was removed on 09.04.2022 and sent to a testing laboratory as its terminals were found to be burnt. After that the Respondent raised a bill for Rs.1390/- on 13.04.2022 (shown as 'Other Charges' on account of meter charges). In this bill the Appellant has alleged that the Respondent did not give the credit for the



subsidy and the CCTV charges. When approached, the Respondent did not give satisfactory reply.

3. Not satisfied with the response of the Discom, the Appellant approached CGRF with the following requests (a) rectification of the bill on account of the free electricity scheme up to 200 units, (b) removal of meter charges, (c) adjustment of the subsidy given by the Government of Delhi for the installation of a CCTV camera for street monitoring on the wall of the dwelling and (d) compensation of Rs. 50,000/- and Rs. 55,000/- for mental harassment and litigation costs respectively.

4. After reviewing the detailed calculations submitted by the respondent, the CGRF in its order dated 06.09.2022 conveyed that the respondent had withdrawn the cost of the meter of Rs.1,431/- and had raised the bill based on actual reading after giving the benefit of the subsidy. Considering these factors, it was concluded that the bill was in order. Regarding compensation and the cost of litigation charges, this Forum has no power to decide harassment or compensation issues. Therefore, the CGRF directed the Respondent (a) to get the installed meter checked, and if found faulty, the same be replaced with the new meter, (b) it would be the complainant's choice whether he wants to install his own purchased meter or the Respondent's meter.

5. Aggrieved from the CGRF's order dated 06.09.2022, the Appellant preferred this appeal before the Ombudsman on the following grounds:

- (a) The CGRF passed the impugned order dated 06.09.2022 without considering the real facts and circumstances of the case, therefore, is liable to be set-aside.
- (b) Though, as per the Respondent, the charged meter cost was reverted back on 01.07.2022, but an amount of Rs.1,771.59 still is reflected as 'arrears/other charges' in the electricity bill dated 08.08.2022 for Rs.2,130/-.
- (c) The CGRF erroneously accepted the Respondent plea that the previous installed meter must have been scrapped by now.
- (d) The CGRF failed to appreciate the documentary evidence that the newly installed meter is running fast.

And prayed that:



- i. To direct the Respondent to revert back/waive off the cost of meter installation charges of Rs.1771.59 (shown as arrears/other charges).
- ii. To direct the Respondent to install the old meter or a new meter without any installation charges.
- iii. To provide a compensation for physical and mental agony in the interest of justice.

6. The case was taken up for the hearing on 22.12.2022. During the hearing both the parties were present. An opportunity was given to both the parties to plead their case at length.

7. During the hearing, the Appellant contended that the Respondent failed to explain him the calculation/break-up of adjustment of Rs.1,771/- in the bill dated 08.08.2022 for the period 03.05.2022 to 02.08.2022. Secondly, the Respondent carried out a testing of existing meter without his presence and the cost of testing i.e. Rs.240/- has been charged to him without his knowledge. The Appellant also alleged that the existing meter is running fast, hence, the same can be replaced with old meter after repairing or a new meter be installed without any installation charges.

On queries by the Ombudsman regarding his request of meter testing, regular bills payments, etc., the Appellant submitted that:

- (a) He has not made any request for testing of meter. However, CGRF has directed the Respondent to get the installed meter checked.
- (b) The bills were not being deposited for the disputed period. Subsequently, he had paid disputed bill dated 08.08.2022 and is now paying the regular bills.
- (c) He has been charged wrongly in August, 2022 bill and is liable to pay only Rs.190/-.
- (d) Regarding whether he received back the cost of meter in the bill, the Appellant stated that the Respondent presented wrong calculations by raising aforesaid impugned bill, hence, he is not satisfied.

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8. In rebuttal, the Respondent submitted that electricity consumption bill dated 08.08.2022 for an amount of Rs. 2,130/- (including arrears of Rs.1771.59) was actual reading based bill for the period 02.05.2022 to 02.08.2022 after adjustment of all the benefits of Delhi Government's schemes. This arrear shown in the bill was due to the non-payment of previous bills as no payment was received after 18.11.2021. The counsel for the Respondent explained the calculation of Rs.1771/-, in detail, before the Court. The Respondent also submitted that in this regard whenever the Appellant visited its office, all the accounting detail was explained to him. He subsequently raised new issues.

Regarding re-installation of old meter (terminals burnt), the agency who tested the meter submitted their report that the old meter was scrapped on 21.06.2022. Respondent further contended that there is no provision of re-installing defective meter. Further, on the direction of the CGRF, the existing meter was tested on 18.10.2022 and found to be running fast by 1.6%, which is within the permissible limit as per the DERC's Regulations, as such, the cost of meter testing should be borne by the Appellant. In case, the Appellant still insists for change of existing meter claiming to be running fast, again the cost of change of meter would be borne by him.

9. In conclusion, despite explaining the system of billing in detail to him by the counsel of the Respondent, Advisor (Engineering) and also by the Ombudsman, he refused to get satisfied with regard to one entry in the bill of August, 2022, i.e. (arrear of Rs.1,771.80), which is nothing but the unpaid bills of the previous months and from which an amount of Rs.1,588/- have been deducted as reversed entry. The amount to be paid comes to Rs.190/- only approximately. He agrees to this amount but has objection to the entries made in the bill.

10. I have gone through the appeal, written statement of the Respondent very minutely. I have heard the arguments of the both the parties. Relevant questions were asked and queries raised by the Ombudsman and Advisor (Engineering) to get more information for clarity. I have also gone through the relevant provisions of DERC's Supply Code and Performance Standards Regulations, 2017.

11. Upon consideration of the submissions made by both the parties, it is apparent that the Appellant's questions/queries have not been answered satisfactorily by the Officers of the Respondent at different levels. It is also a fact that the episode which started with the complaint of frequent tripping on 11.03.2022 has become such a big issue that it required adjudication by this Court which happens to be at the top of grievance handling mechanism devised by DERC. It is unfortunate and requires serious soul searching by senior officers of




the Respondent under the close supervision of Chief Executive Officer (CEO). The issue which could have been resolved by one sitting with the relevant officer has to go through the whole gamut of grievance handling mechanism from CGRF to Office of Ombudsman.

From the explanation made by the Respondent, it is clear that the billing has been done in correct manner viz; (a) bill has been raised on actual consumption, (b) Government subsidy has been appropriately given, (c) meter charges have been reversed and (d) charges on account of CCTV has also been credited to the Appellant's account.

12. In view of the above and also the order of CGRF with regard to installation of new meter, this Court is not inclined to interfere in the order of CGRF. Yet, in view of the discussions, the following need to be undertaken by the Respondent on priority:

- I. The officials with public interface require to be trained properly and suitable curriculum be designed so that the consumers/customers are given ample satisfaction at the initial stage itself.
- II. The above needs to be undertaken under the close supervision of senior officer/s of HR Department directly reporting to CEO.
- III. An amount of Rs.2,000/- be credited to the account of the Appellant for the agony and harassment that is caused to him while traversing the entire path of grievance handling mechanism. The amount charged for meter testing may also be reversed as the testing/change of meter was ordered by the CGRF.

The appeal stands disposed off accordingly.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
23.12.2022