

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/2009/319

Appeal against Order dated 05.03.2009 passed by CGRF–BYPL in case CG. No.27/02/09.

In the matter of:

Shri Shree Niwas Karwa - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant The Appellant was present in person alongwith his counsel Shri Sanjay Dewan,

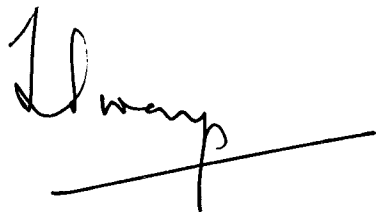
Respondent Shri R. Srinivasan, Business Manager,
Shri S.P. Sharma, Sr. Manager
Ms. Sapna Rathore, Assistant Manager, CGRF and
Shri Rajeev Ranjan, A.M. Legal
Shri Rakesh Kumar LR-DRG, and
Shri Pritam Singh, AG-1, attended on behalf of the BYPL

Dates of Hearing: 26.06.2009

Date of Order : 07.07.2009

ORDER NO. OMBUDSMAN/2009/319

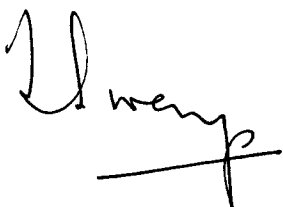
1. The Appellant has filed this appeal against the orders passed by the CGRF-BYPL dated 05.03.2009 in the complaint no. 27/02/09 stating that the Forum has erred in not adjudicating on the issues raised by the Appellant in his complaint. The Forum further erred in not granting the relief sought by the Appellant for immediate restoration



of supply , and ordered to raise the bill on 2 KW load basis for the period for which the Appellant had already made the payments. The Ld. Forum also failed to appreciate that the Respondent had himself admitted that during the site inspection on 16.01.2009, the connected load was found to be 1.64 KW, but the Forum issued directions for raising the bill on load basis of 2 KW. Such directions are not only arbitrary, and malafide but also illegal.

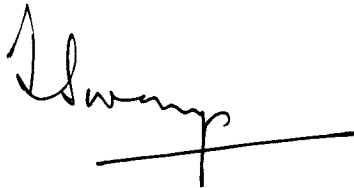
The Appellant has prayed for issuing directions for restoration of supply and for setting aside / modification of the CGRF's order and for award of cost / compensation in favour of the Appellant.

2. The background of the case as per contents of the appeal, CGRF's order and submissions made by both the parties is as under:
 - a) The Appellant has stated that he is the user of the electricity connection K.No. 112022090238 for running a small office. The Appellant has been regularly making payments of the electricity bills raised by the Respondent and there were no arrears till the month of November 2008.
 - b) Thereafter, the Respondent raised an illegal and arbitrary demand bill of Rs.1,53,560/- for the period 10.05.2005 to 03.11.2008 on the basis of the electricity consumed by meter no. 23225369 which was never installed / existed in the premises of the Appellant. The Respondent raised another bill for January 2009 for Rs.1,60,580/- and on non-payment of the



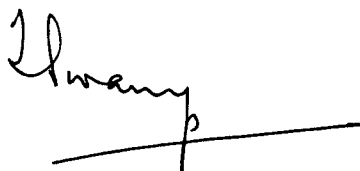
electricity bill, the supply was disconnected and the meter removed in the second week of January 2009.

- c) As per the meter change report, a new meter (no.023225359) was installed at the initial R-2 on 07.06.2005 and the July 2005 bill, September 2005 bill and November 2005 bill were issued bearing meter no. 23225359. Thereafter, the bills were issued upto November 2008 showing meter no. 23101942 on the bills.
- d) The Appellant had made a complaint on 17.08.2005 for fast running of the meter installed on 07.06.2005 and had deposited the meter testing fee of Rs.50/-. The meter was tested on 18.08.2005 and a copy of the meter testing report indicates that the meter no. 23101942 was tested whereas the meter no. 23225359 was installed on 07.06.2005.
- e) The Appellant represented against the November 2008 bill vide letter dated 28.11.2008 and thereafter filed a complaint before the CGRF on 02.02.2009. The Respondent stated before the CGRF that four meters were changed on 07.06.2005 in the said premises, and meter no. 23101942 was fed in the system against two connections mistakenly, and meter no. 23225359 was mentioned against the complainant's K. No. 112022090238 in place of meter no. 023225369. The meter no. 023225369 was removed at final R-30885 on 09.01.09 due to non payment. This shows that against the



Appellant's connection meter no. 23101942, 23225359 and 23225369 are shown at different times.

- f) The Respondent further stated that prior to removal of meter no. 23225369, the meter was read three times i.e. on 24.11.2008 27.11.2008 and 05.12.2008 by a special meter reader. The reading of meter no. 23101942 had been downloaded against K. No. 112022090225 in the name of Shailash Maheshawari prior to the replacement of this meter on 26.07.2008. The reading of meter no. 23225359 was downloaded against K. No. 112022090236 in the name of Shri Nand Kishor Karwa.
- g) The Respondent had raised the bill amounting to Rs.1,53,560/- for the period 10.05.2005 to 03.11.2008 on the basis of electricity consumed by meter no. 23225369.
- h) The Forum in its order observed that the Respondent company is unable to support its claim that the Appellant was consuming electricity against meter no. 23225369 removed on 09.01.2009. The Appellant had paid the electricity bills issued by the Respondent company upto the billing month of September 2008. The CGRF quashed the bill of the Complainant of Rs.1,53,560/- and directed the Respondent to raise the bill of the Complainant on load basis w.e.f. 07.06.2005 (the date of change of meter) to 09.01.2009 (the date of removal of meter) within 10 days, as the Respondent was unable to prove whether the supply of the Complainant was ever connected during this



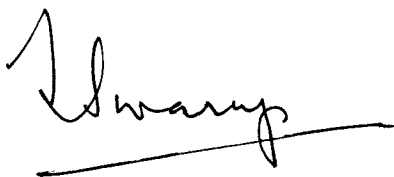
period through meter no. 23225369. The Respondent was also directed to adjust the amount of the bills earlier paid by the Appellant. The Forum also directed the Respondent to restore the supply on receipt of 50% of the revised bill raised as per the above directions of the Forum. The balance 50% was to be paid by the Appellant in two equal bi-monthly installments alongwith current dues. A compensation of Rs.2,000/- was awarded to the Appellant on account of harassment etc.

Not satisfied with the orders of CGRF-BYPL, 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 26.06.2009.

On 26.06.2009, the Appellant was present in person alongwith counsel Shri Sanjay Dewan. The Respondent was present through Shri Rajeev Ranjan, A.M. (Legal), Shri R. Srinivasan , B.M., Shri S. P. Sharma, Sr. Manager, Ms. Sapna Rathore, A.M. – CGRF, Shri Rakesh Kumar, LR – DRG and Shri Pritam Singh, AG-I,

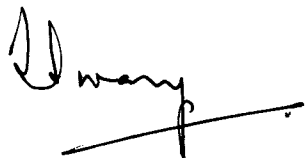
Both parties argued at length on merits of their case. No documentary evidence regarding installation of meter no. 23225369 could be produced by the Respondent. The Appellant himself brought to the notice of the Respondent that bills for two consumers



were being issued with the same meter number i.e. 23101942. The discrepancy came to the notice of the Respondent after the Appellant had made the complaint. The Respondent argued that the CGRF's order is fair and is acceptable to them.

Based on the submissions made and the various site inspection reports produced by the Respondent, this appears to be a case of intermixing of K. Nos. and meter numbers of various consumers existing in the same premises. The various site reports indicate as under:-

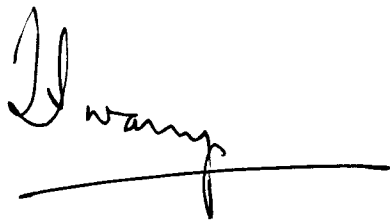
S. No.	Site inspection report dated	K. No.	Meter no.	Remarks
1.	24.11.2008	112022090238 (as per bill)	23101942 (as per bill) 23225369 (as per site)	It is recorded in the remarks column that supply is used from meter no. 23225369.
2.	27.11.2008	112022090238	-23101942 - 23225369 (as per site)	It is recorded in the remarks column that at the time of visit meter was found changed, meter found at site was 23225369 and is in use.
3.	05.12.2008	112022090238	23225369 (found at site)	Meter found working, at the time of inspection
4.	02.01.2009	112022090238	23225359 Supply use at site	In the remarks column, it is recorded that at the time of inspection dated



				02.01.2009, supply was through meter no. 23225359. K. No. 112022090236 mention on meter no. 23225359 and K. No.112022090238 mention on meter no. 23225369.
5.	16.01.2009	112022090238	23225359 (at site)	It is recorded in the remarks column that meter is physically working at the time of inspection and the connection load found: -Tube light 13 x 40 =520 -Exhaust fan 1 x 40 = 40 (Small) -Ceiling fan 2 x 40 = 80 - Heater 1 x 1000 = 1000 <u>Total = 1640</u> =1.64 kw

The Respondent has stated before the CGRF that the meter no. 23225369 was actually installed against the connection of the Appellant, but, the Respondent failed to produce any such meter installation report.

4. After installation of the new meter no. 23225359 on 07.06.2005, the Respondent had issued three number bills for this new meter number. During the meter testing on 17.08.2005, the Meter Test Report indicated meter number 23101942 against K. No. 112022090238 allotted to the consumer. Thereafter, the

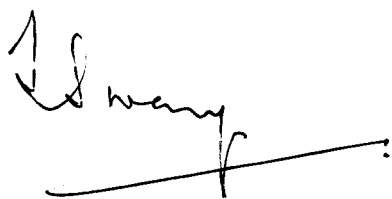


Respondent started issuing electricity bills showing meter no. 23101942 and this process continued up to November 2008. Thereafter, the Respondent raised the disputed bill of Rs.1,53,560/- stating that the consumer was getting supply through meter no. 23225369.

The above status reflects total mismanagement on the part of the Respondent as no correct record was ever maintained after 07.06.2005 and different electricity bills bear different meter numbers. The Respondent could not explain how the meter numbers have been changed frequently and how one meter no. 23101942 was mentioned in the electricity bill of two different K. Nos. It is also doubtful whether any correct reading of meters and billing has been done so far.

5. In view of this confusion, the CGRF was justified in ordering raising of the bills on load basis w.e.f. 07.06.2005 (the date of replacement of meter) to 09.01.2009 (the date of removal of the meter). The Appellant has stated in his appeal that his connected load was found to be 1.64 KW during inspection on 16.01.2009, but the CGRF has ordered for raising the bill on the sanctioned load of 2 KW basis.

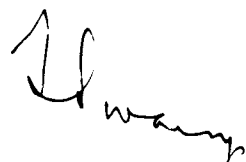
Since, the connected load was found to be 1.64 KW, during inspection it would not be fair to bill the consumer on the 2 KW sanctioned load. It has been observed by the Hon'ble High Court of Delhi in its order dated 16.10.2006 in the W.P. 6104 of 2006 and



CM 4945 / 2006 in the case of Smt. Bimla Gupta (Appellant) Vs. NDPL (Respondent) that NDPL acted contrary to the law in billing the petitioner on the basis of the sanctioned load when the connected load was lower. The impugned bills were quashed and NDPL was directed to prepare a fresh bill.

6. In view of the fact that in this case during inspection the connected load was found to be lower i.e. 1.64 KW, than the sanctioned load of 2 KW, the CGRF's order is modified to the extent that the revised bill for the disputed period (07.06.2005 to 09.01.2009) be raised on the basis of the connected load of 1.64 KW instead of the sanctioned load of 2 KW.

715 July 2009 .


(SUMAN SWARUP)
OMBUDSMAN