

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/2009/328

Appeal against Order dated 05.05.2009 passed by CGRF–BYPL in the complaint No. 13/01/09.

In the matter of:

Shri Mustak Hossein - Appellant

Versus

M/s BSES Yamuna Power Ltd. - Respondent

Present:-

Appellant The Appellant was present through Shri P.P. Chandra the authorised representative

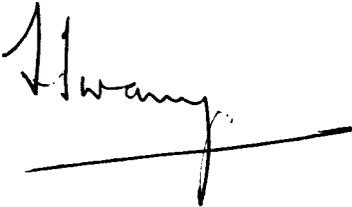
Respondent Shri Deepak Benjamin DGM
Shri Devender K. Sharma, Comm. Officer
Shri Vijayendra K. Sharma, Assistant
Shri Rajeev Ranjan, Manger (Legal) and
Mrs. Sapana Rathod, AM (Legal) attended on behalf of the BYPL

Dates of Hearing: 18.08.2009, 31.08.2009, 15.09.2008

Date of Order : 24.09.2009

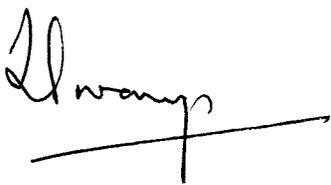
ORDER NO. OMBUDSMAN/2009/328

1.0 The Appellant Shri Mustak Hossein has filed this appeal against the order dated 5.5.2009 passed by the CGRF-BYPL in the Complaint No. 13/01/09. The Appellant's plea is that he had sought relief in respect of the erroneous and disputed bill No.



297461 of 19.10.2008 for K.No. 1220 OD03 0108. The CGRF has however decided the basis of wrong billing since inception to reopen the 2 meters installed in the premises.

- 2.0 The background of the case as per the record and submissions of both the parties is as under:
- 2.1 The Appellant received a bill No. 297461 dated 19.10.08 for an amount of Rs.4,72,034.59 showing a consumption of 79458 units in a period of two months from 06.08.2008 to 04.10.2008, in respect of electricity connection bearing K. No. 12200D030108 installed in the premises of M/s Pataka Biri Manufacturing Co., at 35, Gagan Vihar, Delhi with 15.12.2008 as the due date for payment.
- 2.2 On 15.12.2008 the Appellant filed a representation with the Respondent stating that the bill is totally out of tune with their consumption pattern, and requested for amendment of the bill. As the grievance was not addressed, the Appellant made a payment of Rs.3,66,397/- (75% of December 2008 bill on 24.12.2008) under protest, to avoid disconnection. Thereafter, the Appellant filed a written complaint dated 16.01.2009 before the CGRF stating that in the month of October, 2008 he had received a bill for a huge amount of Rs.4,72,038.59 for a period of two months which was much higher than his normal consumption pattern. This bill was not corrected despite his regular visits to the office of the Respondent.



2.3 The Respondent stated before the CGRF that there are two connections bearing K. No. 12200D030108 in the name of Mustak Hussain, Managing Director and K. No. 12200D030130 in the name of M/s Pataka Biri Manufacturing Co., and both are installed in the same premises. The Respondent further stated that the readings of meter bearing No. 17029314 were downloaded against K. No. 12200D030130, and were manually posted against K No. 12200D030108, whereas the actual meter installed against K. No. 12200D030108 is 17005851.

2.4 The CGRF observed that the meter installed against K. No. 12200D030108 is 17005851 whose readings had never been recorded and directed the Respondent company to revise the bill of the complainant against K.No.1220 0D03 0108 by taking the actual readings since its installation i.e. 31.05.2003 till date, and without levying LPSC and after adjusting all the payments made by the complainant against this connection, during the specified period. The Forum also awarded compensation to the complainant of Rs.2000/- for mental harassment caused to him for the negligence on the part of the Respondent company.

Not satisfied with the above directions, the Appellant has filed this appeal.

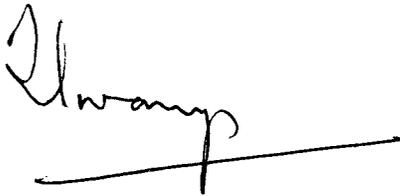
A handwritten signature in black ink, appearing to read 'I. Wang' or similar, with a horizontal line underneath.

3.0 After scrutiny of the appeal, records of the CGRF and reply/ comments submitted by the Respondent, the case was fixed for hearing on 18.08.2009.

On 18.08.2009, Shri P. P. Chandra, the authorized representative of the Appellant and the Respondent was present through S/Shri Deepak Benjamin, DGM, Devender K Sharma, Commercial Officer, Rajeev Ranjan, Manager (Legal) and Vijayendra K Sharma, Assistant.

Both the parties were heard, the Respondent produced the original meter-book in respect of both the connections installed in the premises of the Appellant. It is confirmed from record that both the connections are for 15 KW and were transferred/installed on 13.04.2002. From the original meter-book and Meter Change Report, it is evident that the Meter No. 17005851 was installed on 31.05.2003 against K. No. 12200D030130 and not against K No. 12200D030108, as observed by the CGRF.

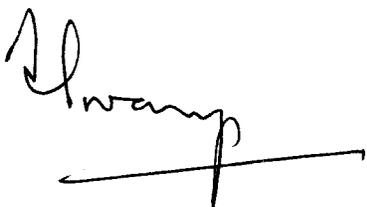
3.1 After hearing both the parties, it was directed that a site visit be carried out by a team headed by Senior Officer of the Discom to confirm the K. Nos., Meter Numbers and names of users, and also to download the readings of both the connections from January 2005 onwards upto December 2008. The statements of account for both the connections as per the downloaded readings be prepared showing units consumed, amount already paid and now



due from the registered consumer. The case was fixed for further hearing on 31.08.2009. Notice was also issued to registered consumer of K No. 12200D030130 also for appearing on the next date of hearing.

- 3.2 On 31.08.2009, Shri P.P. Chandra who was already representing the Appellant in the appeal against the disputed bill for K. No. 12200D030108, also submitted a letter of authority for representing the consumer in respect of Meter No. 17029314 and K. No. 12200D030130.

The Respondent produced a site inspection report dated 28.08.2009, and a copy of the test reports dated 20.03.2002 when two number commercial connections for a load of 15 KW each were applied for one each both for the ground floor and for the first and second floors. From the test report proforma, bearing signatures of the registered consumer and site inspection report dated 28.08.2009 it is clear that meter no. 17005851 is feeding the supply to the first floor and second floor for which the connection was energized in April 2002 against the K. No. 633/1240861 (present K. No. 12200D030130), and meter no. 17029134 is feeding supply to the ground floor for which the connection was energized in April 2002 against K. No. 601/133630 (present K. No. 12200D030108).



3.3 The Respondent also filed copies of downloaded readings and new statement of accounts for both the connections based on the site inspection report. The Statements of Account for both the connections were given to Shri P.P.Chandra, representing the consumer for both the connections for reconciling with figures regarding payments made, and the readings recorded and now downloaded. He wanted time to reconcile consumption recorded with the payments made and time was therefore granted. The case was fixed for further hearing on 15.09.2009.

3.4 On 15.09.2009, Shri P.P.Chandra was present on behalf of registered consumer for both the connections K. Nos. 12200D030108 and 12200D030130. The Respondent was present through S/Shri Rajeev Ranjan, Manager (Legal), Mrs. Sapana Rathod, AM (CGC), Deepak Benjamin, BM –ICRN, Devender K Sharma, Commercial Officer – KRN and Vijayendra K Sharma, Assistant.

The Appellant states that he had prayed for relief in respect of the inflated bill for K. No. 12200D030108. The downloaded readings of meter No. 17029134, found installed against this K No. 12200D030108 during site visit, have been studied and the revised statement of accounts for this connection supplied by the Respondent at the last date of hearing indicate a refund of Rs.1.13 lakhs approx., and is acceptable to him. He states that the amount now found payable against the other K. No. 12200D030130



installed in the same premises should not be mixed up with the present appeal. The Respondent confirmed from records that both the meters are installed in the same premises and the connections are in the name of M/s Pataka Biri Manufacturing Co. The Appellant confirmed this also.

4.0 OBSERVATIONS

- 4.1 It is evident from the copy of the meter change report dated 31.03.2005 and entries made in the original meter reading book, that meter no. 17005851 was installed against the old K. No. 633/1240861/ new K. No. 12200D030130 and is still existing in working condition at site, as recorded in the site inspection report dated 28.08.2009.
- 4.2 The consumption record of the connection with K. No. 12200D030130 reveals that after installation of the meter no. 17005851 on 31.05.2003, the readings were recorded from 19.06.2003 as R-2100 to R-53315 on 25.04.2005. Thereafter no readings of this meter were recorded. The reading R-12456 was recorded on 07.06.2005 and subsequent readings recorded also appear to be of some other meter as all such readings are less than R-53315 recorded on 25.04.2005. This mistake of recording wrong readings was noticed by the Respondent only in October 2008. The bill was raised as per the actual reading



recorded viz. 'R-135801' recorded on 04.10.2008 against K. No. 12200D030108 which has been disputed by the Appellant.

4.3 The consumption record of connection K. No. 12200D030108 reveals that reading '1103' was recorded on 25.09.2004 by meter no. 17021685 installed on 09.09.2004, and subsequent readings of this meter were recorded upto 14.02.2006 when meter no. 1701685 was replaced by another meter no. 17029134 which is still existing at site in working condition as per site report.

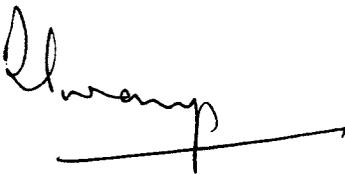
4.4 The perusal of consumption records of both K. Nos 12200D030108 and 12200D030130 reveals that from July 2005 onwards the readings of the meters installed against K. No. 12200D030108 were recorded, and bills raised against both the K. Nos. as indicated below:-

K. No.12200D030108

<u>Date</u>	<u>Reading</u>
04.05.2005	8097
03.06.2005	10369
07.07.2005	12694
04.08.2005	15112
06.02.2006	23901

K.No.12200D030130

<u>Date</u>	<u>Reading</u>
25.04.2005	53315
07.06.2005	---
06.07.2005	12456
08.08.2005	15217
06.02.2006	23672



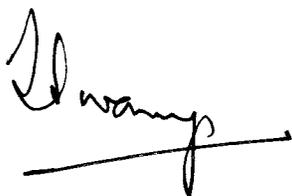
4.5 The meter was changed against K. No. 12200D030108 on 14.02.2006 (new meter no. 17029134), and again the same readings were recorded against both the K. Nos.

K. No.12200D030108

K.No.12200D030130

<u>Date</u>	<u>Reading</u>	<u>Date</u>	<u>Reading</u>
02.03.2006	---	02.03.2006	478
02.05.2006	---	02.05.2006	2723
04.07.2006	---	04.07.2006	9787
06.09.2006	17689	04.09.2006	17417
01.03.2007	24913	10.03.2007	25176
01.10.2007	40120	04.10.2007	40283
26.03.2008	46066	27.03.2008	46136
06.08.2008	56343	11.08.2008	56685

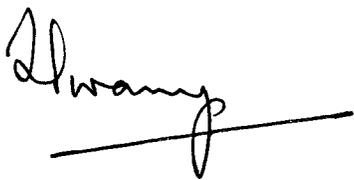
4.6 In October 2008, the Respondent recorded a reading of R-135801 for meter no. 17005851 against K. No. 12200D030108, and raised a bill for consumption of 79458 units (135801 and 56343) which resulted the dues of Rs.4.72 lakhs approx., whereas in fact meter no. 17005851 pertained to K. No. 12200D030130 at paras 4.1 to 4.3 as stated in serial number 1 above. In fact meter no. 17005851 installed against K. No. 12200D030130 on 31.05.2003 was read upto reading R-53315 and was billed accordingly. Thereafter meter no. 17005851 was not read and the reading 135801 was recorded on 04.10.2008. Without verifying the factual position the Respondent raised the disputed bill on 19.10.2008 of this reading against K. No. 12200D030108.



The above details indicate that almost identical readings were recorded against both the K. Nos. as the same meter was read on two different dates of the month. This explains the minor variations in consumption recorded.

5.0 Conclusion

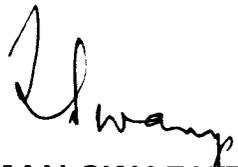
- 5.1 For K. No. 12200D030130 bills should have been raised for the period 31.05.2003 onwards for consumption recorded by meter no. 17005851 which is still existing at site in working condition. Any amount short charged for the consumption against this meter due to the meter not being read after 25.04.2005, now be billed and payments made earlier against bills based on wrong readings can be adjusted.
- 5.2 Against K. No. 12200D030108 wrong bills were raised in October 2008, when the reading R-13501 of meter no. 17005851 pertaining to K. No. 12200D030130, was wrongly shown against this K. No. Against K. No. 12200D030108 bills are to be raised on the basis of consumption recorded in meter no. 17029134, and the wrong bills raised earlier are to be withdrawn. As per the revised statement of account produced by the Respondent, an amount of Rs.1,13,975.52 has become refundable upto the reading of 101115 recorded on 19.08.2009 after adjusting the payments made by the registered consumer, and also reconciled by him.



- 5.3 Both the connections belong to Pataka Biri Manufacturing Co. whose MD is Sh. Mustak Hossein and the connections are installed in the same premises. The refund in favour of K. No. 12200D030108 is due to wrong bills being raised earlier. It is seen that billing for the two connections has become inter-connected as the demand to be withdrawn against one, is to be raised as additional amount against the other. The dues against K. No. 12200D030130 are a consequence of the withdrawal of demand against K. No. 12200D030108, so both actions are to be taken simultaneously.
- 5.4 The above orders may be implemented within a period of 21 days from the date of this order.

The orders of the CGRF are accordingly set aside.

24th September 2009


(SUMAN SWARUP)
OMBUDSMAN