

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/2009/339

Appeal against Order dated 19.05.2009 passed by CGRF-BYPL in complaint No.08/01/09.

In the matter of:

Smt. Urmila Devi Sethia

- Appellant

Versus

M/s BSES Yamuna Power Ltd.

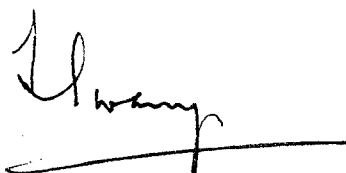
- Respondent

Present:-**Appellant**

The Appellant was present through Shri Pawan Solanki and Shri Subhash Sethia (Husband)

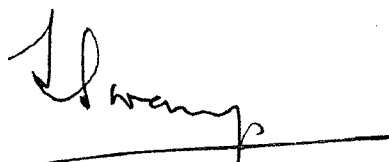
RespondentShri Deepak Benjamin, DGM
Ms. Sapna Rathod, Asst. Manager (CGC)
Shri Devinder Kumar, Commercial Officer
Shri M.K. Jha, Legal Officer
Shri Rakesh Kumar, Legal Retainer,
Shri Vijender Sharma, Asstt. Grade-II attended on behalf of the BYPL**Dates of Hearing:** 12.11.2009, 26.11.2009 & 05.01.2010**Date of Order** : 29.01.2010**ORDER NO. OMBUDSMAN/2009/339**

1.0 The Appellant, Smt. Urmila Devi Sethia, has filed this appeal against the orders dated 19.05.2009 passed by CGRF-BYPL in the complaint no. 08/01/09 on the following grounds:-


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- a) The Hon'ble Forum while passing the order dated 19.05.2009 has failed to consider the fact that before raising the impugned bill, the principles of natural justice have not been followed by the Respondent as no show cause notice or opportunity of personal hearing was given to the Appellant by the Respondent.
 - b) The Hon'ble Forum while passing the order dated 19.05.2009 has failed to consider the fact that while raising the impugned bill, the Respondent has failed to follow the law, byelaws, rules and regulations and tariff provisions.
 - c) The Hon'ble Forum while passing the order dated 19.05.2009 has failed to consider the fact that the Respondent was raising the bills on the basis of the meter readings and there was no average bill.
 - d) The Hon'ble Forum while passing the order dated 19.05.2009 has failed to consider the fact that readings were also taken on 01.08.2008, 26.09.2008, but on 19.11.2008 suddenly the reading showing excess consumption was shown by the Respondent.
 - e) The Hon'ble Forum while passing the order dated 19.05.2009, has wrongly held that the consumption pattern of the Appellant was inconsistent with the previous consumption.

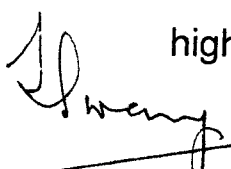
The Appellant has prayed that the CGRF's order may kindly be set aside and the bill of Rs.32502.60 issued in respect of


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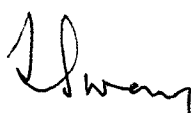
meter vide K. No. 1220R8020343 be declared null and void, and the meter be tested in a third party laboratory.

2.0 The background of the case as per the records and submissions of the parties is as under:

- i) In the office of Appellant at premises bearing No. 6905, Gali Arya Samaj, Gandhi Nagar, Delhi – 110031, an electric connection bearing K. No. 1220R8020343 is installed having a sanctioned load of 8 Kw for non-domestic purposes. The Appellant has stated that she received reading based electricity bills raised by the Respondent and the consumption was 1778, 1620, 1718, 1924, 376, 200 for the months of November 2007, January 2008, March 2008, May 2008, July 2008 and September 2008 respectively.
- ii) Thereafter, the Appellant received a bill of Rs.34,945.05 for the month of November, 2008, indicating a consumption of 6019 units. This consumption according to the Appellant was incorrect, as so many units had not been consumed. The Appellant apprehends that the readings recorded by the meter either jumped or the meter became defective, and a complaint in this regard was made on 13.12.2008 but no action was taken by the Respondent. The consumption had in the past never exceeded 2000 units, but the meter has shown arbitrarily high reading for the month of November 2008.


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- iii) The Appellant filed a complaint before the CGRF against the November 2008 bill of Rs.34,945.05 for consumption of 6019 units. It was stated that the meter had either jumped or had become defective and the Appellant requested for testing of the meter by a third party.
- iv) The BYPL stated before the CGRF that the bill raised for November, 2008 was as per the actual downloaded readings. The meter of the Appellant had been checked and the accuracy found within the permissible limits. The BYPL further stated that the average consumption of the Appellant from November 2007 to November 2008 i.e. 1941 units, matched her previous consumption pattern.
- v) The Appellant refuted the contentions of the BYPL and stated that the meter installed is a sub-standard meter and is required to be tested in a third party laboratory. The BYPL submitted the meter test report which states that the meter test results showed that the meter was okay. The CGRF in its order concluded that the meter reading recorded on 19.11.2008 as 30931 units was the accumulated readings of the previous two downloaded readings. The average consumption from October 2007 to November 2008 was 1088 units which was in tune with the previous consumption pattern. The meter testing report dated 31.01.2009 also showed that the



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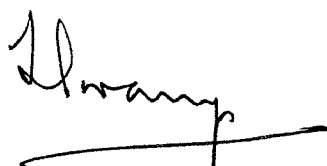
meter is OK. The CGRF held that the bill raised by the licensee was correct and payable by the Appellant. The Appellant was allowed to pay the actual bill, without LPSC, in three bi-monthly installments, along with the current charges.

3.0 The Appellant, not satisfied with the order of the CGRF-BYPL, has filed the present appeal dated 02.09.2009. She has challenged the order of the CGRF dated 19.05.2009 and has prayed that the CGRF-BYPL order dated 19.05.2009 be set-aside and the bill of Rs.32,502.60 (actually the bill is for Rs.34,945.05) for the month of November 2008 be declared null and void, and the meter tested in a third party laboratory.

3.1 After scrutiny of the records and the submissions made by the parties, the first hearing was fixed on 12.11.2009.

At the first hearing on 12.11.2009, the Appellant was present through her representative Shri Pawan Solanki. The Respondent was represented through Shri M.K.Jha (Legal Officer), Shri Devinder Kumar Sharma (Commercial Officer) and Shri Vijayendra Sharma (Asst. Gr. II).

The Appellant stated that he is disputing the bill for November, 2008 and payments had been made for one-third of the disputed bill for November 2008, and the current bills from November 2008, onwards.


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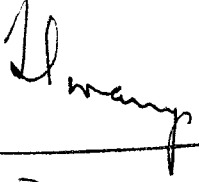
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The Respondent submitted that the readings of the meter for July 2008 and September 2008, which were taken manually, were wrong, as the normal consumption of the Appellant was about 37 units per day for the period July 2008 to November, 2008.

On scrutiny of the previous consumption record submitted by the Respondent, it was observed that the manual readings taken for the months of July 2008, September 2008 as also for March 2009 and May 2009, were apparently incorrect, and could not be relied upon. Further, this meter recording these low readings was reported to be burnt and was changed on 27.05.2009 by the Respondent.

The Respondent was directed to submit the following documents before the next date of hearing:

- downloaded readings of the old meter from March 2008 to May 2009;
- downloaded readings of the new meter presently installed from 27.05.2009 to November, 2009;
- Test Report of the old meter clearly stating the reason for it getting burnt;
- Meter Change Report for the old burnt meter.


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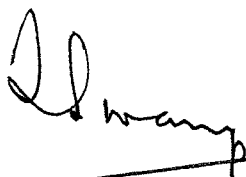
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- Statements of Account upto November 2009, showing the consumption and the payments made by the Appellant for both the old and new meters.

The next hearing was fixed on 26.11.2009.

4.0 At the hearing on 26.11.2009, the Appellant was present through Shri Subhash Sethia (husband of the Appellant). The Respondent was present through Shri Deepak Benjamin(DGM), Ms. Sangeeta Rathod (Assistant Manager-CGC), Shri Rakesh Kumar (Legal Assistant) and Shri Vijayendra Sharma(Asst. Gr. II).

At the outset, the Respondent stated that when the meter was being taken from the premises of the Appellant by the officials of BYPL to the testing laboratory in a cycle-rickshaw, the same fell off and was lost in transit. The Respondent submitted a copy of the FIR lodged with the local police-station regarding the loss of the meter, alongwith the Test Report and downloaded readings of the new meter and the Statements of Account. These documents were taken on record.

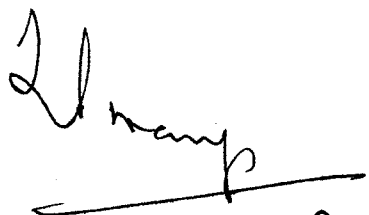
4.1 It was observed from the Statements of Account that two readings of the old meter and two readings of the new meter, taken manually, appeared to be incorrect, and could not be relied upon. As such, the readings taken in August 2008, September 2008, March 2009 and May 2009 had to be


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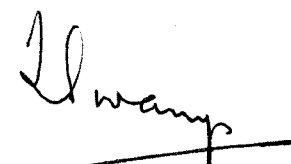
disregarded, for working out the Appellant's correct consumption of electricity. It was seen that the readings of the corresponding periods of the previous year showed more correctly the consumption pattern of the Appellant. The next hearing was fixed on 05.01.2010.

- 5.0 At the hearing on 05.01.2010, the Appellant was present through Shri Subhash Sethia (husband of the Appellant). The Respondent was present through Shri Dinesh Bansal (Branch Manager), Shri Devinder Kumar Sharma (Commercial Officer (D), Shri Rakesh Kumar (Legal Assistant) and Shri Vijayendra Sharma(Asst. Gr. II).

The Respondent submitted a revised Statements of Account prepared after ignoring the manual readings and after taking into account the Appellant's consumption for the same months in the previous year. This, however, resulted in a further increase in consumption of the Appellant from 6643 to 7963 units. The Respondent stated that this pattern clearly established that the consumption of 6643 units as per downloaded reading was correct. The Appellant submitted that he may be allowed to pay the electricity bill as per the downloaded readings, after ignoring the manual readings. He also requested for rechecking of the meter installed at present to remove any doubt about its correctness.


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- 6.0 After hearing the arguments of the parties, the Respondent was directed to install a parallel meter for fifteen days to check the accuracy of the new meter installed at the premises of the Appellant, and to send the results by 22.01.2010 to this office with a copy endorsed to the Appellant.
- 6.1 The Respondent in compliance of the aforesaid direction has forwarded on 28.01.2010 the accuracy check report of the existing installed meter No. 22864374 after comparing the same with operation of the standard meter No. 11134473, from 06.01.2010 to 22.01.2010. The accuracy test result show identical consumption of 325 units by both the meters, which establishes that the meter No. 22864374 installed at present is recording correct and accurate consumption of electricity.
- 6.2 As regards the Appellant's contention that the bill for the month of November, 2008 was incorrect, after considering the records and averments made by the parties, I am of the view that the CGRF's decision is based on a correct appraisal of facts. The Respondent was therefore directed to revise the Appellant's bill for November 2008, as per the downloaded reading (excluding the manual readings), after adjusting all payments made and without levying any LPSC.
- 6.3 The Respondent was also advised to take suitable action against the official responsible for recording incorrect manual readings, which has caused unnecessary harassment to the

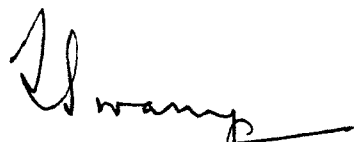

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Appellant. A compensation of Rs.2,000/- is awarded to the Appellant for this harassment. A serious note was also taken of the loss of the electric meter removed from the Appellant's premises during transit, and the Respondent was directed to fix the responsibility on the delinquent employee and to take appropriate action.

6.4 The appeal is accordingly disposed of. Compliance of this order may be reported within a period of twenty one days of this order.

29th January 2010 .


(SUMAN SWARUP)
OMBUDSMAN
29.01.2010