

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/2010/354

Appeal against Order dated 13.10.2009 passed by CGRF–BRPL in case no. C.G.No.221/2009.

In the matter of:

Shri Vijay Anand - Appellant
Partner M/s Kapman Industries

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri S.B. Goel, Advocate and
Shri Manil attended on behalf of the Appellant

Respondent Shri Sita Ram, DGM attended on behalf of BRPL

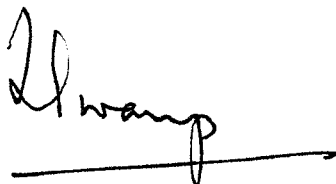
Date of Hearing : 25.03.2010, 07.04.2010

Date of Order : 22.04.2010

ORDER NO. OMBUDSMAN/2010/354

1.0 The Appellant, Shri Vijay Anand, one of the partners of M/s Kapman Industries, had filed this Appeal against the order dated 13.10.2009 passed by the Ld. Consumer Grievance Redressal Forum for BRPL, in the Case No. CG/221/2009 with the prayer that the CGRF's order may be set aside and the Respondent may be directed:

(i) To quash all the assessment bills raised by the Respondent.

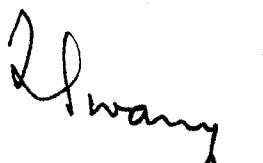

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- (ii) To grant suitable compensation to the Appellant for the mental torture, agony and harassment.
- (iii) To refer the matter to DERC for imposing a penalty under Section 142 of the Electricity Act, 2003.

2.0 The brief facts of the case as per the records and submissions of the parties are as under:

The Appellant has stated in the Appeal that:

- (a) M/s VIP Industries is the registered consumer of electric connection bearing K.No.2610 KC010469, installed at C – 166, Phase II, Mayapuri Industrial Area, New Delhi 110064. The Appellant had purchased this property on 07.12.2006 and is now the user and beneficiary of the electric connection.
- (b) The Appellant received two electric bills from the Respondent. Bill No.AGENR270520090001 for Rs. 4,21,567/- and Bill No. AGENR260520090011 for Rs.22,804/- stated to be based on inspections dated 26.03.2007 and 07.11.2008 respectively.
- (c) During the inspection on 26.03.2007 nothing abnormal was found. All the seals were found to be intact and the meter accuracy was found to be within permissible limits. Therefore, there was no reason for assessment.
- (d) During the inspection on 07.11.2008, false allegations of the B phase potential missing were levelled. No report was prepared at the site. The Respondent was required to send


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the meter to the Electrical Inspector as per the DERC Regulations. No CMRI data was provided to the Appellant against any of the inspections.

- 3.0 The Appellant filed a complaint before the CGRF for quashing the assessment Bills.

The Respondent stated before the CGRF that on analyzing the downloaded meter data, it was observed that the B phase potential of the meter was found missing from 16.03.2005 to 20.02.2007. Hence there was no recording of any energy on the B phase of the meter. The electronic meter bearing No.29008243 was replaced and the defective meter was removed. During another inspection dated 07.11.2008 the B phase potential was again found missing intermittently. On further checking the B phase potential it was found missing due to carbonized / loose / internal fault in the CT meter. The defective CT meter was replaced on 06.01.2009.

- 3.1 As on both the occasions the meter was found defective as such bills for Rs.4,21,567/- and Rs.22,804/- were issued separately as per tariff provisions and the DERC Regulations.

- 3.2 The CGRF in its order observed that the B phase potential of the CT meter was found missing w.e.f. 16.03.2005 to 20.02.2007. Similarly, during the inspection dated 07.11.2008, the meter was found defective w.e.f. 05.10.2008 to 06.01.2009, due to the aforesaid reason. As such the assessment of defective periods is


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required in this case. The Respondent was directed to assess separately the consumption for the two meter defective periods as mentioned above, only for consumption of 6 months each time, which would be chargeable from the consumer. The Respondent was to ensure that assessment for both the aforesaid periods is done separately, and payments made by the consumer during the meter defective periods are adjusted. For the purpose of assessing the defective period w.e.f 16.03.2005 to 20.02.2007, the base period to be taken will be the average consumption between 21.02.2007 and 20.02.2008. Similarly, the base period for the meter defective period 05.10.2008 to 06.01.2009 will be the average consumption between 04.10.2007 and 05.10.2008

Not satisfied with the CGRF's order the Appellant has filed this appeal.

- 4.0 After scrutiny of the appeal, the records of the CGRF and the reply/comments submitted by the Respondent, the case was fixed for hearing on 25.03.2010.

On 25.03.2010, the Appellant was present through Shri S.B. Goel, Advocate, Shri O P Madan, Advocate and Shri Manil. The Respondent was present through Shri Sita Ram, DGM.

Both the parties argued their case. The Appellant pleaded that 1/3rd extra be charged since only one phase was not recording the consumption w.e.f. December, 2006 when he purchased the

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property. The Respondent stated that the assessment bill raised was based on the average consumption during 2004-05 and the meter was regarded as defective. The Respondent was directed to produce the consumption record from 2004 onwards, and the calculation sheet showing the two alternatives:


- a) One third extra consumption for the B phase which was not working, on the basis of the CMRI data downloaded.
- b) 6 month assessment based on the average consumption recorded from January 2009 to January 2010. The case was fixed for further hearing on 7th April 2010.

4.1 On 07.04.2010, the Appellant was present through, Shri S.B. Goel, Advocate and Shri Manil. The Respondent was present through Shri Sita Ram, DGM.

The Respondent filed the calculation sheets as directed during the last hearing. The Respondent also confirmed that the fault was in the CT and not in the meter. The Appellant stated that if the CT was defective, the meter was unnecessarily changed.

4.2 Observations

Based on the report of inspection carried out on 26.03.2007 and the CMRI downloaded data of the meter, it is observed that the B


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phase potential was found missing intermittently on 21 different occasions for a duration of 69.19 hours during the period 16.03.2005 to 20.02.2007. It is clear that the B phase potential was intermittently missing and the actual consumption was not recorded by the meter.

Based on the report of the inspection carried out on 07.11.2008 and the CMRI downloaded data, it is observed that the B phase potential was again found missing on 15 different occasions for a duration of 12.05 hours during the period 20.06.2007 and 10.10.2008.

After the inspection on 26.03.2007 the Respondent officials felt that the B phase potential may be missing intermittently due to some dry soldering problem and the old meter was replaced with a new meter. However the problem of the missing B phase potential intermittently continued thereafter also. During the inspection dated 07.11.2008, it was observed that the reason for the missing B phase potential was the carbonized / loose / internal fault in the CT. The defective CT along with the meter were replaced on 06.01.2009.

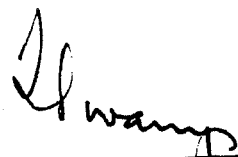
Thus, it is evident that the defective CT and meter unit (in case of CT meter, the CT and meter are treated as one unit) remained defective from 26.03.2007 to 06.01.2009 when the defective CT and meter unit were replaced. The meter did not record the actual correct consumption during this period.

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6.0 In view of the above observations it is decided that the Respondent can raise the assessment bill only for a period of 6 months prior to 06.01.2009 as per the DERC Regulations. The base period for assessing the average consumption should be w.e.f of 06.01.2009 to 07.01.2010 when the new meter recorded the correct consumption. The Appellant has purchased the property on 07.12.2006 and the consumption prior to December 2006 does not correctly reflect his consumption. The CGRF orders are accordingly modified to the above extent. The payment if any made by the Appellant against the assessment bills may be adjusted against the amount assessed as above.

These orders may be complied with in a period of 21 days from the date of this order.

22nd April 2010


(SUMAN SWARUP)
OMBUDSMAN